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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JANUARY 11, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONERS COMMENTS & QUESTIONS:

(3) SPECIAL ITEM: Discussion of enforcement process for Board decisions.

(4) ADDENDUM ITEMS:

(4a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 244 – 246 – 6th Avenue. Permits issued on March 16, 2005, June 10, 2005, July 21, 2005, July 28, 2005, and Sept. 27, 2005. Last day to appeal was March 31, 2005, June 27, 2005, August 5, 2005, and August 12, 2005, respectively. Jurisdiction requests received on December 5, 2005. Letter from Susan Payne & Arisa Fuller, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2005/03/16/7644, 2004/09/27/5239, 2005/07/21/8222, and 2005/07/28/8867. Permit Holder(s): Jing Je He. Project: 1st permit, rearrange rooms, add 1 ½ bath, part of roofing (unsound) to be repaired; 2nd permit, change pitched roof to flat roof, extend right and left side building to property line; 3rd permit, replace unsound gyp. board on wall and ceiling; replace rotten wall studs and joists; 4th permit, add floor joists and flooring above second floor. **Note: Appeal 05-168 (Item 5 on tonight's agenda), Payne & Fuller vs. DBI, PDA, filed on Oct. 12, 2005, relates to a 5th building permit issued on Sept. 27, 2005 for the same subject property.**

(4b) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 3931 Geary Boulevard. Permit revoked by DPW Bureau of Street Use & Mapping on October 26, 2005. Last day to appeal was November 10, 2005. Jurisdiction request received on November 28, 2005. Letter from Theodoras Koliatisis dba "4th & Geary Farmers Market", requestor(s), asking that the Board take jurisdiction over the revocation of a merchandise display permit (DPW Order No. 175,688; Permit No. 05D-0001). **Note: Public hearing held and closed on Dec. 14, 2005; for further consideration today; matter continued to allow requestor(s) and DPW BSM time to submit additional documents pursuant to the Board's comments.**

(4c) REHEARING REQUEST:

Subject property at 1634-1636 Waller Street. Letter from Andrew Zacks, attorney for Citizens for Equal Treatment in the Permit Process, appellant(s), requesting rehearing of Appeal No(s). 05-181, C.E.T.P.P. vs. DBI, PDA, decided December 14, 2005. At that time, upon motion by Commissioner Garcia, the Board voted 4-0-1 (Commissioner Knox recused) to uphold the subject permit with the following findings: a) that no false information was given in order to obtain the permit; and b) that no testimony was offered that there are any Code violations. Permit Holder(s): Eun Young & Seil James Lee. Project: on 2-unit building, add dormers on existing 4th floor family room and rear bedroom; add new bathroom, new skylights and miscellaneous interior remodeling; all work to be done on 4th floor only; dormers to comply with Zoning Administrator bulletin dated June 1, 1996; B.P.A. No(s). 2005/10/06/4992.

(5) APPEAL NO. 05-168

SUSAN PAYNE & ARISA FULLER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	244 – 6th Avenue. Protesting the issuance on September 27, 2005, to Jing Jie He, Permit to Alter a Building (on 2-unit building: replace unsound stair and replace stone with stucco per plan). APPLICATION NO. 2005/09/27/3928. FOR HEARING TODAY.

(6) APPEAL NO. 05-184

SIEU TA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	640 London Street. Appealing the imposition of penalty on October 20, 2005, for work done without a permit (on single-family house: legalize one wall and bathroom on 1st floor; legalize 3 rooms in basement; comply with NOV No. 200560360). APPLICATION NO. 2005/07/14/7618. FOR HEARING TODAY.

3 1223 07086 9152

(7) **APPEAL NO. 05-177**

YAT WA CHU, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2233 Vicente Street. Appealing a determination dated October 11, 2005, addressed to Walter Wong of Jaidin Consulting Group, regarding the legality of the existing use of the subject property (hardware and builders supply business with an outdoor storage yard), which is located in an NC-1 (Neighborhood Commercial Cluster) zoning district. FOR HEARING TODAY.

(8) **APPEAL NO. V05-182**

VIBRANT MEDIA INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	535 Mission Street. Protesting the granting on October 19, 2005, to Monahan Pacific Inc., Dwelling Unit Exposure Variance (demolish existing parking lot and construct a 34-story building with up to 273 dwelling units, approx. 4,000sf of ground floor retail space, 7,230sf of common usable open space for residential use, 80sf of public open space for retail use, and a 5-level underground garage for up to 273 parking spaces using mechanical stackers and valet service. VARIANCE CASE. NO. 2004.0297EKXV. FOR HEARING TODAY.

ITEMS (9A), (9B), (9C), (9D) & (9E) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 05-185**

ROBERT WICKSER JR., Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1340 Leavenworth Street. Protesting the issuance on November 3, 2005, to Leavenworth & Reed LLC, Permit to Alter a Building (on single-family house: repair dry rot). APPLICATION NO. 2005/11/03/7366. FOR HEARING TODAY.

(9B) **APPEAL NO. 05-186**

ROBERTA PAPAZOGLOW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1332 Leavenworth Street. Protesting the issuance on November 3, 2005, to Leavenworth & Reed LLC, Permit to Alter a Building (on single-family house: repair dry rot). APPLICATION NO. 2005/11/03/7350. FOR HEARING TODAY.

(9C) **APPEAL NO. 05-187**

ALLISON WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1338 Leavenworth Street. Protesting the issuance on November 3, 2005, to Leavenworth & Reed LLC, Permit to Alter a Building (on single-family house: repair dry rot). APPLICATION NO. 2005/11/03/7362. FOR HEARING TODAY.

(9D) **APPEAL NO. 05-188**

WILLIAM NOVAK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	27-41 Reed Street. Protesting the issuance on November 3, 2005, to Leavenworth & Reed LLC, Permit to Alter a Building (on 8-unit apartment building: repair dry rot). APPLICATION NO. 2005/11/03/7322. FOR HEARING TODAY.

(9E) **APPEAL NO. 05-189**

DAVID FORBES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1330 Leavenworth Street. Protesting the issuance on November 3, 2005, to Leavenworth & Reed LLC, Permit to Alter a Building (on single-family house: repair dry rot). APPLICATION NO. 2005/11/03/7327. FOR HEARING TODAY.

(10) **APPEAL NO. 05-190**

PAUL BISAILLON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: ALICE LAM	2549 Post Street. Appealing the denial on November 7, 2005, of Permit to Alter a Building (on 3-unit apartment building: install new ¾ hour fire rated fixed windows on east side of property wall; revision to Building Permit Application No. 2004/09/24/5144). APPLICATION NO. 2004/10/14/6841. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **January 5th, 2006**

MEMBERS OF THE BOARD OF APPEALS

HISASHI B. SUGAYA	PRESIDENT
FRANK FUNG	VICE PRESIDENT
KATHARINE ALBRIGHT	COMMISSIONER
MICHAEL GARCIA	COMMISSIONER
RANDALL KNOX	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER – TEL: 415.506.0430 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net. THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JANUARY 11, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Hisashi Sugaya, Vice President Frank Fung, Commissioner Katharine Albright, Commissioner Michael Garcia, and Commissioner Randall Knox.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Jonas Ionin, Senior Planner, Planning Department (PD); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

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(3) SPECIAL ITEM: Discussion of enforcement process for Board decisions.

SPEAKERS: Laurence Kornfield, DBI; Anita Theoharis.

(4) ADDENDUM ITEMS:

(4a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 244 – 246 – 6th Avenue. Permits issued on March 16, 2005, June 10, 2005, July 21, 2005, July 28, 2005, and Sept. 27, 2005. Last day to appeal was March 31, 2005, June 27, 2005, August 5, 2005, and August 12, 2005, respectively. Jurisdiction requests received on December 5, 2005. Letter from Susan Payne & Arisa Fuller, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2005/03/16/7644, 2004/09/27/5239, 2005/07/21/8222, and 2005/07/28/8867. Permit Holder(s): Jing Je He. Project: 1st permit, rearrange rooms, add 1 ½ bath, part of roofing (unsound) to be repaired; 2nd permit, change pitched roof to flat roof, extend right and left side building to property line; 3rd permit, replace unsound gyp. board on wall and ceiling; replace rotten wall studs and joists; 4th permit, add floor joists and flooring above second floor. **Note: Appeal 05-168 (Item 5 on tonight's agenda), Payne & Fuller vs. DBI, PDA, filed on Oct. 12, 2005, relates to a 5th building permit issued on Sept. 27, 2005 for the same subject property.**

ACTION: Upon motion by Vice President Fung, the Board voted 5-0 to continue the matter to January 25, 2006, with DBI and Planning to report on the neighbor notification issue.

SPEAKERS: Susan Payne, requestor; Jeffrey Chen, attorney for permit holder; Jonas Ionin, PD; Laurence Kornfield, DBI.

(4b) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 3931 Geary Boulevard. Permit revoked by DPW Bureau of Street Use & Mapping on October 26, 2005. Last day to appeal was November 10, 2005. Jurisdiction request received on November 28, 2005. Letter from Theodoras Koliatisis dba "4th & Geary Farmers Market", requestor(s), asking that the Board take jurisdiction over the revocation of a merchandise display permit (DPW Order No. 175,688; Permit No. 05D-0001). **Note: Public hearing held and closed on Dec. 14, 2005; for further consideration today; matter continued to allow requestor(s) and DPW BSM time to submit additional documents pursuant to the Board's comments.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to grant the jurisdiction request.

SPEAKERS: Yannoula Koliatsis, agent for requestor; John Kwong, DPW BSM.

(4c) **REHEARING REQUEST:**

Subject property at 1634-1636 Waller Street. Letter from Andrew Zacks, attorney for Citizens for Equal Treatment in the Permit Process, appellant(s), requesting rehearing of Appeal No(s). 05-181, C.E.T.P.P. vs. DBI, PDA, decided December 14, 2005. At that time, upon motion by Commissioner Garcia, the Board voted 4-0-1 (Commissioner Knox recused) to uphold the subject permit with the following findings: a) that no false information was given in order to obtain the permit; and b) that no testimony was offered that there are any Code violations. Permit Holder(s): Eun Young & Seil James Lee. Project: on 2-unit building, add dormers on existing 4th floor family room and rear bedroom; add new bathroom, new skylights and miscellaneous interior remodeling; all work to be done on 4th floor only; dormers to comply with Zoning Administrator bulletin dated June 1, 1996; B.P.A. No(s). 2005/10/06/4992.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0 to recuse Commissioner Knox. Afterwards, upon motion by President Sugaya, the Board voted 4-0-1 (Commissioner Knox recused) to deny the rehearing request.

SPEAKERS: Andrew Zacks, attorney for appellant; G. Scott Emblidge, attorney for permit holders.

(5) **APPEAL NO. 05-168**

SUSAN PAYNE & ARISA FULLER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	244 – 6th Avenue. Protesting the issuance on September 27, 2005, to Jing Jie He, Permit to Alter a Building (on 2-unit building: replace unsound stair and replace stone with stucco per plan). APPLICATION NO. 2005/09/27/3928. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 5-0 to reschedule the matter to January 25, 2006.

SPEAKERS: Susan Payne, co-appellant; Jeffrey Chen, attorney for permit holder; Jonas Ionin, PD; Laurence Kornfield, DBI.

(6) **APPEAL NO. 05-184**

SIEU TA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	640 London Street. Appealing the imposition of penalty on October 20, 2005, for work done without a permit (on single-family house: legalize one wall and bathroom on 1st floor; legalize 3 rooms in basement; comply with NOV No. 200560360). APPLICATION NO. 2005/07/14/7618. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 5-0 to reduce the penalty to 3 times the regular fee.

SPEAKERS: Laurence Kornfield, DBI; Pamela O'Dell, agent for appellant; Sieu Ta, appellant.

(7) **APPEAL NO. 05-177**

YAT WA CHU, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2233 Vicente Street. Appealing a determination dated October 11, 2005, addressed to Walter Wong of Jaidin Consulting Group, regarding the legality of the existing use of the subject property (hardware and builders supply business with an outdoor storage yard), which is located in an NC-1 (Neighborhood Commercial Cluster) zoning district. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 5-0 to uphold the determination.

SPEAKERS: Jonas Ionin, PD; Christine Louie, agent for appellant; Yat Wa Chu, appellant; Maureeen O'Connor, and James O'Connor, for the Zoning Administrator.

(8) **APPEAL NO. V05-182**

VIBRANT MEDIA INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	535 Mission Street. Protesting the granting on October 19, 2005, to Monahan Pacific Inc., Dwelling Unit Exposure Variance (demolish existing parking lot and construct a 34-story building with up to 273 dwelling units, approx. 4,000sf of ground floor retail space, 7,230sf of common usable open space for residential use, 80sf of public open space for retail use, and a 5-level underground garage for up to 273 parking spaces using mechanical stackers and valet service. VARIANCE CASE. NO. 2004.0297EKXV. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 5-0 to continue the matter to January 25, 2006 with the public hearing closed.

SPEAKERS: Jim Reuben, attorney for variance holder; Bertram Kaufmann, attorney for appellant; Jonas Ionin, PD;

ITEMS (9A), (9B), (9C), (9D) & (9E) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 05-185**

ROBERT WICKSER JR., Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1340 Leavenworth Street. Protesting the issuance on November 3, 2005, to Leavenworth & Reed LLC, Permit to Alter a Building (on single-family house: repair dry rot). APPLICATION NO. 2005/11/03/7366. FOR HEARING TODAY.

(9B) **APPEAL NO. 05-186**

ROBERTA PAPAZOGLOW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1332 Leavenworth Street. Protesting the issuance on November 3, 2005, to Leavenworth & Reed LLC, Permit to Alter a Building (on single-family house: repair dry rot). APPLICATION NO. 2005/11/03/7350. FOR HEARING TODAY.

(9C) **APPEAL NO. 05-187**

ALLISON WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1338 Leavenworth Street. Protesting the issuance on November 3, 2005, to Leavenworth & Reed LLC, Permit to Alter a Building (on single-family house: repair dry rot). APPLICATION NO. 2005/11/03/7362. FOR HEARING TODAY.

(9D) **APPEAL NO. 05-188**

WILLIAM NOVAK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	27-41 Reed Street. Protesting the issuance on November 3, 2005, to Leavenworth & Reed LLC, Permit to Alter a Building (on 8-unit apartment building: repair dry rot). APPLICATION NO. 2005/11/03/7322. FOR HEARING TODAY.

(9E) **APPEAL NO. 05-189**

DAVID FORBES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1330 Leavenworth Street. Protesting the issuance on November 3, 2005, to Leavenworth & Reed LLC, Permit to Alter a Building (on single-family house: repair dry rot). APPLICATION NO. 2005/11/03/7327. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 5-0 to uphold all the permits with the following conditions: a) that construction be limited to Monday – Friday, 8am to 5pm; b) that dust barriers be installed inside the multi-unit building; and c) that the premises be kept clean and orderly on a daily basis.

SPEAKERS: Stepehn Collier, attorney for appellants; Allison Williams, co-appellant; Robert Wickser, co-appellant; Sean Whelan, permit holder; Laurence Kornfield, DBI.

(10) **APPEAL NO. 05-190**

PAUL BISAILLON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: ALICE LAM	2549 Post Street. Appealing the denial on November 7, 2005, of Permit to Alter a Building (on 3-unit apartment building: install new ¾ hour fire rated fixed windows on east side of property wall; revision to Building Permit Application No. 2004/09/24/5144). APPLICATION NO. 2004/10/14/6841. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Vice President Fung absent) to reschedule the matter to March 1, 2006.

SPEAKERS: Joseph Breall, attorney for Sec. 14 Party; Cynthia Baroumand, attorney for appellant.

There being no further business, President Sugaya adjourned the meeting at 9:00 p.m.

Robert H. Feldman

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 415-506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JANUARY 18, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) SPECIAL NOTE:

The Board of Appeals will hold a Special Meeting on Wednesday, February 1 in Room 34 beginning at 5:00 PM to evaluate and possibly propose revisions to the Rules of the Board of Appeals (effective Feb 1, 2002). The Board invites written comments on, or proposed revisions to, the Board Rules in advance of the Special Meeting. Letters can be mailed or hand delivered to the Board office, 1660 Mission Street, Room 3036, San Francisco, CA, 94103; facsimiles can be sent to 415-575-6885; and emails can be sent to Robert.Feldman@sfgov.org or Victor.Pacheco@sfgov.org.

Written comments submitted by 4:00 pm Thursday, Jan. 26, 2006 will be included in the Board's meeting packets.

The current Rules of the Board of Appeals (effective Feb 1, 2002) are posted on the Board website at www.sfgov.org/boa (click on link entitled "About"). Copies are also available at the Board office.

(2) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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JAN 13 2006

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(3) COMMISSIONERS COMMENTS & QUESTIONS:

(4) ADDENDUM ITEMS:

(4a) REHEARING REQUEST:

Taxi medallion no. 436. Letter from Hayward Wong, appellant(s), requesting rehearing of Appeal No(s). 05-179, Wong vs. TC, decided December 14, 2005. At that time, upon motion by President Sugaya, the Board voted 5-0 to uphold the suspension of the subject taxi medallion.

(4b) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1375 Harrison Street. Permits issued on November 14, 2005. Last day to appeal was November 29, 2005. Jurisdiction request received on December 22, 2005. Letter from Jim Mannix, asking that the Board take jurisdiction over Building Permit Application No(s). 2005/11/14/2952. Permit Holder(s): Jon Coates. Project: on 4-unit live/work building, install vinyl siding.

ITEMS (5A) & (5B) SHALL BE HEARD TOGETHER:

(5A) APPEAL NO. V05-175

JOHN BRENNAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1420 Haight Street. Protesting the granting on October 13, 2005, to Mehran Esmaili, Rear Yard & Non-Complying Structure Variances (stair penthouse and elevator mechanical equipment constructed without permits at the rear of the roof of the subject building). VARIANCE CASE NO. 2004.1203V. FOR HEARING TODAY.

(5B) APPEAL NO. 05-194

MEHRAN ESMAILI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	1420 Haight Street. Appealing the denial on November 8, 2005, of Permit to Alter a Building (on 2-story retail building: revision; due to construction error, elevator cab floor plan has been revised (reduced to fit within structural constraints of B.P.A. No. 2003/04/21/2757)). APPLICATION NO. 2003/12/24/3024. FOR HEARING TODAY.

(6) **APPEAL NO. 05-191**

STEVE & JESSICA WYNNE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1824 Baker Street. Appealing a determination dated October 28, 2005, addressed to Jeremy Paul, that the legal use of the subject building is seven dwelling units. FOR HEARING TODAY.

(7) **APPEAL NO. 05-193**

ARZA TRUST, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2646 Hyde Street. Protesting the issuance on October 27, 2005, to Marla McGowan, Permit to Alter a Building (on 2 –unit building: replace stairs at rear of building – in kind). APPLICATION NO. 2005/07/15/7691. FOR HEARING TODAY.

(8) **APPEAL NO. 05-196**

CHEUK YEUNG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: DAVID & LORRAINE BLEIMAN	231 Ortega Street. Appealing the denial on November 29, 2005, of Site Permit to Alter a Building (on single-family house: construct 3-story addition to rear of existing 2-story building). APPLICATION NO. 2004/10/05/6033S. FOR HEARING TODAY.

(9) **APPEAL NO. 05-198**

BARBARA JEAN GRATTA, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1469 Hudson Avenue. Appealing an Alcoholic Beverage Control (ABC) Permit Zoning Referral, dated November 29, 2005, which states that the proposed wine making operation at the subject property does not fall within a permitted use category in residential districts, nor does it meet criteria as an accessory use under the Planning Code. FOR HEARING TODAY.

(10) **APPEAL NO. 05-199**

ANGELA ALIOTO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2604 Pacific Avenue. Protesting the issuance on December 5, 2005, to John Tozzi, Site Permit to Alter a Building (on single-family house: enclose a ground floor space below an existing deck at the rear of the house; new arbor and bay window). APPLICATION NO. 2004/10/27/1817S. FOR HEARING TODAY.

(11) **APPEAL NO. 05-202**

JOHN TYNAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1960, 1980-1998 Golden Gate Avenue. Protesting the issuance on November 23, 2005, to Prana Eight Properties LLC, Permit to Alter a Building (on 12-unit apartment building: response to NOV No. 200338880; remove 2 illegal ground floor dwelling units; remove defective bathroom on 1st floor; remove existing defective rear exit stair and deck; provide new required exit with fire-escape per "local equivalency"; provide new kitchen and bathroom for existing 4th floor apartments). APPLICATION NO. 2003/12/02/1446. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **Jan. 12th, 2006**

MEMBERS OF THE BOARD OF APPEALS

HISASHI B. SUGAYA	**PRESIDENT**
FRANK FUNG	**VICE PRESIDENT**
KATHARINE ALBRIGHT	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
RANDALL KNOX	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER – TEL: 415.506.0430 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net. THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JANUARY 18, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Hisashi Sugaya, Vice President Frank Fung, Commissioner Michael Garcia, and Commissioner Randall Knox.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Lawrence Badiner, Zoning Administrator (ZA); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

ABSENT: Commissioner Katharine Albright.

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(1) **SPECIAL NOTE**:

The Board of Appeals will hold a Special Meeting on Wednesday, February 1 in Room 34 beginning at 5:00 PM to evaluate and possibly propose revisions to the Rules of the Board of Appeals (effective Feb 1, 2002). The Board invites written comments on, or proposed revisions to, the Board Rules in advance of the Special Meeting. Letters can be mailed or hand delivered to the Board office, 1660 Mission Street, Room 3036, San Francisco, CA, 94103; facsimiles can be sent to 415-575-6885; and emails can be sent to Robert.Feldman@sfgov.org or Victor.Pacheco@sfgov.org.

Written comments submitted by 4:00 pm Thursday, Jan. 26, 2006 will be included in the Board's meeting packets.

The current Rules of the Board of Appeals (effective Feb 1, 2002) are posted on the Board website at www.sfgov.org/boa (click on link entitled "About"). Copies are also available at the Board office.

SPEAKERS: None.

(2) **PUBLIC COMMENT**:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Joe O'Donoghue.

(3) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

(4) ADDENDUM ITEMS:

(4a) REHEARING REQUEST:

Taxi medallion no. 436. Letter from Hayward Wong, appellant(s), requesting rehearing of Appeal No(s). 05-179, Wong vs. TC, decided December 14, 2005. At that time, upon motion by President Sugaya, the Board voted 5-0 to uphold the suspension of the subject taxi medallion.

ACTION: Upon motion by Commissioner Garcia, the Board voted 3-1-1 (President Sugaya dissented, Commissioner Albright absent) to continue the matter to Feb. 8, 2006.

SPEAKERS: Jim Gillespie, agent for appellant; Heidi Machen, Taxi Commission.

(4b) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1375 Harrison Street. Permits issued on November 14, 2005. Last day to appeal was November 29, 2005. Jurisdiction request received on December 22, 2005. Letter from Jim Mannix, asking that the Board take jurisdiction over Building Permit Application No(s). 2005/11/14/2952. Permit Holder(s): Jon Coates. Project: on 4-unit live/work building, install vinyl siding.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Commissioner Albright absent) to deny the jurisdiction request.

SPEAKERS: Jim Mannix, requestor; Jon Coates, permit holder; Laurence Kornfield, DBI; Lawrence Badiner, ZA.

ITEMS (5A) & (5B) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. V05-175**

JOHN BRENNAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1420 Haight Street. Protesting the granting on October 13, 2005, to Mehran Esmaili, Rear Yard & Non-Complying Structure Variances (stair penthouse and elevator mechanical equipment constructed without permits at the rear of the roof of the subject building). VARIANCE CASE NO. 2004.1203V. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Commissioner Albright absent) to uphold the variance and adopt the ZA's findings.

(5B) **APPEAL NO. 05-194**

MEHRAN ESMAILI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	1420 Haight Street. Appealing the denial on November 8, 2005, of Permit to Alter a Building (on 2-story retail building: revision; due to construction error, elevator cab floor plan has been revised (reduced to fit within structural constraints of B.P.A. No. 2003/04/21/2757)). APPLICATION NO. 2003/12/24/3024. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Commissioner Albright absent) to overrule the denial, and grant the permit with a finding that the project is code compliant with the variance (no. 2004.1203V).

SPEAKERS: Mark Brennan, attorney for appellant; David Levy, attorney for subject property owner; Lawrence Badiner, ZA; Jonas Ionin, PD; Joe O'Donoghue, and Andrew Smith, for Planning Commission; Howard Chabner, Michael Ghadieh, Ted Loewenberg, and Jim Maxwell, for appellant; Laurence Kornfield, DBI.

(6) **APPEAL NO. 05-191**

STEVE & JESSICA WYNNE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1824 Baker Street. Appealing a determination dated October 28, 2005, addressed to Jeremy Paul, that the legal use of the subject building is seven dwelling units. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-0-1 (Commissioner Albright absent) to reschedule the matter to Feb. 8, 2006.

SPEAKERS: Jeremy Paul, agent for appellant.

(7) **APPEAL NO. 05-193**

ARZA TRUST, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2646 Hyde Street. Protesting the issuance on October 27, 2005, to Marla McGowan, Permit to Alter a Building (on 2 –unit building: replace stairs at rear of building – in kind). APPLICATION NO. 2005/07/15/7691. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-0-1 (Commissioner Albright absent) to uphold the permit.

SPEAKERS: Stephen Williams, attorney for appellant; Jeremy Paul, agent for permit holder; Philip Fernandez, co-owner of subject property; Laurence Kornfield, DBI; Lawrence Badiner, ZA.

(8) **APPEAL NO. 05-196**

CHEUK YEUNG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: DAVID & LORRAINE BLEIMAN	231 Ortega Street. Appealing the denial on November 29, 2005, of Site Permit to Alter a Building (on single-family house: construct 3-story addition to rear of existing 2-story building). APPLICATION NO. 2004/10/05/6033S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-0-1 (Commissioner Albright absent) to continue the matter to March 15, 2006, with the public hearing closed, and with revised plans to be submitted.

SPEAKERS: Lawrence Badiner, ZA; Cheuk Yeung, appellant; Sue Hestor, attorney for Sec. 14 Party; Hugh Conroy, for Planning Commission; Laurence Kornfield, DBI.

(9) **APPEAL NO. 05-198**

BARBARA JEAN GRATTA, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1469 Hudson Avenue. Appealing an Alcoholic Beverage Control (ABC) Permit Zoning Referral, dated November 29, 2005, which states that the proposed wine making operation at the subject property does not fall within a permitted use category in residential districts, nor does it meet criteria as an accessory use under the Planning Code. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Commissioner Albright absent) to overrule the ABC Permit Zoning Referral, with a finding that the proposed use is an accessory use so long as the wine production does not exceed 200 bottles per year.

SPEAKERS: Lawrence Badiner, ZA; Barbara Gratta, appellant.

(10) **APPEAL NO. 05-199**

ANGELA ALIOTO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2604 Pacific Avenue. Protesting the issuance on December 5, 2005, to John Tozzi, Site Permit to Alter a Building (on single-family house: enclose a ground floor space below an existing deck at the rear of the house; new arbor and bay window). APPLICATION NO. 2004/10/27/1817S. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 4-0-1 (Commissioner Albright absent) to uphold the permit.

SPEAKERS: Joe Alioto Veronese, attorney for appellant; Max Stern, attorney for permit holder.

(11) **APPEAL NO. 05-202**

JOHN TYNAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1960, 1980-1998 Golden Gate Avenue. Protesting the issuance on November 23, 2005, to Prana Eight Properties LLC, Permit to Alter a Building (on 12-unit apartment building: response to NOV No. 200338880; remove 2 illegal ground floor dwelling units; remove defective bathroom on 1st floor; remove existing defective rear exit stair and deck; provide new required exit with fire-escape per "local equivalency"; provide new kitchen and bathroom for existing 4th floor apartments). APPLICATION NO. 2003/12/02/1446. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 4-0-1 (Commissioner Albright absent) to reschedule the matter to Feb. 8, 2006 at the request of the parties.

SPEAKERS: None.

There being no further business, President Sugaya adjourned the meeting at 9:20 p.m.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 415-506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JANUARY 25, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) ELECTION OF OFFICERS

(3) COMMISSIONERS COMMENTS & QUESTIONS

(4) ADDENDUM ITEMS:

(4a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 71 Hancock Street. Permit issued on December 14, 2005. Last day to appeal was December 29, 2005. Jurisdiction request received on January 9, 2006. Letter from Richard Sinkoff, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2005/12/14/0294. Permit Holder(s): Robert Wexler. Project: on single-family house, new deck at rear of house.

(4b) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 244 – 246 – 6th Avenue. Permits issued on March 16, 2005, June 10, 2005, July 21, 2005, July 28, 2005, and Sept. 27, 2005. Last day to appeal was March 31, 2005, June 27, 2005, August 5, 2005, and August 12, 2005, respectively. Jurisdiction requests received on December 5, 2005. Letter from Susan Payne & Arisa Fuller, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2005/03/16/7644, 2004/09/27/5239, 2005/07/21/8222, and 2005/07/28/8867. Permit Holder(s): Jing Je He. Project: 1st permit, rearrange rooms, add 1 ½ bath, part of roofing (unsound) to be repaired; 2nd permit, change pitched roof to flat roof, extend right and left side building to property line; 3rd permit, replace unsound gyp. board on wall and ceiling; replace rotten wall studs and joists; 4th permit, add floor joists and flooring above second floor. **Note:** Appeal 05-168 (Item 5 on tonight's agenda), Payne & Fuller vs. DBI, PDA, filed on Oct. 12, 2005, relates to a 5th building permit issued on Sept. 27, 2005 for the same subject property. **Further Note:** public hearing on this jurisdiction request was held and closed on Jan. 11, 2006; matter continued to allow time for DBI and Planning to review the neighbor notification issue.

(5) APPEAL NO. 05-168

SUSAN PAYNE & ARISA FULLER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	244 – 6th Avenue. Protesting the issuance on September 27, 2005, to Jing Jie He, Permit to Alter a Building (on 2-unit building: replace unsound stair and replace stone with stucco per plan). APPLICATION NO. 2005/09/27/3928. FOR HEARING TODAY.

(6) APPEAL NO. 04-136

JUAN MAGARIN dba “MISSION BAY TOW”, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1100 Crescent Avenue. Appealing a Police Permit Zoning Referral (P51, Tow Car Firm) dated September 28, 2004, addressed to Juan Magarin, that the proposed use at the subject property, tow car operator, is not a permitted use in the NC-S (Neighborhood Commercial Shopping Center) zoning district pursuant to Planning Code §§ 713.1 to 713.95, and that Planning Department records do not indicate the legal establishment of a non-conforming use for a tow car operator at this location. PUBLIC HEARING HELD & CLOSED ON NOVEMBER 2, 2005. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow appellant time to relocate his tow car business to an appropriate zoning district.**

(7) APPEAL NO. 05-171

YUE ZHEN OU, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	260 Kearny Street. Appealing a Health Permit Zoning Referral, dated July 20, 2005, addressed to Yue Zhen Ou, which disapproves the proposed massage establishment use because such use is not permitted within the C-3-O (Downtown Office) zoning district under § 218.1 of the Planning Code. JURISDICTION GRANTED OCT. 5, 2005. PUBLIC HEARING HELD & CLOSED ON DEC. 7, 2005. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for appellant and the ZA to work out a solution.**

(8) **APPEAL NO. V05-182**

VIBRANT MEDIA INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	535 Mission Street. Protesting the granting on October 19, 2005, to Monahan Pacific Inc., Dwelling Unit Exposure Variance (demolish existing parking lot and construct a 34-story building with up to 273 dwelling units, approx. 4,000sf of ground floor retail space, 7,230sf of common usable open space for residential use, 80sf of public open space for retail use, and a 5-level underground garage for up to 273 parking spaces using mechanical stackers and valet service. VARIANCE CASE. NO. 2004.0297EKXV. PUBLIC HEARING HELD & CLOSED ON JANUARY 11, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for submittal of the mitigated negative declaration by the variance holder.**

(9) **APPEAL NO. 05-167**

BAY CAB COMPANY, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing a Notice of Decision dated September 26, 2005, that orders the payment of all fines, abatement of all violations within 3 months, and the imposition of a 1-year probation. RESOLUTION NO. 2005-60. FOR HEARING TODAY.

(10) **APPEAL NO. 05-183**

JOHN & CONNIE LINEHAN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	839 North Point Street. Appealing the denial on October 17, 2005, of Permit to Remove and Replace One (1) Tree. ORDER NO. 175,641. FOR HEARING TODAY.

ITEMS (11A) & (11B) SHALL BE HEARD TOGETHER:

(11A) **APPEAL NO. 05-200**

GUY CARSON, MICHAEL SIDLOW, & TOM LANGSTON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	744 Union Street #5. Protesting the issuance on November 23, 2005, to W.B. Coyle, Permit to Alter a Building (renew B.P.A. No. 2005/04/28/1102; on 6-unit apartment building; remodel kitchen and bath; repair/replace wood floors as necessary; refinish floor for entire apartment; replace damaged floor, less than 200sf; replace sink, appliances, counter tops and cabinets in kitchen; and replace tub, sink and toilet in bathroom). APPLICATION NO. 2005/11/23/8922. FOR HEARING TODAY.

(11B) **APPEAL NO. 05-201**

GUY CARSON, MICHAEL SIDLOW, & TOM LANGSTON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	744 Union Street #2. Protesting the issuance on November 23, 2005, to W.B. Coyle, Permit to Alter a Building (renew B.P.A. No. 2005/04/28/1105; on 6-unit apartment building; remodel kitchen and bath; repair/replace wood floors as necessary; refinish floor for entire apartment; replace damaged floor, less than 200sf; replace sink, appliances, counter tops and cabinets in kitchen; and replace tub, sink and toilet in bathroom). APPLICATION NO. 2005/11/23/8924. FOR HEARING TODAY.

(12) **APPEAL NO. 05-203**

JEFFREY & KATHLEEN PASELTINER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	2555 Leavenworth Street #302 & 303. Appealing the denial on December 6, 2005, of Permit to Alter a Building (on 22-unit building: revert layout from combined unit back to 2 units; remove kitchen and install 2 new ones; add 1 bathroom and remodel 3 bathrooms; no structural nor exterior alteration proposed). APPLICATION NO. 2005/08/10/9955. FOR HEARING TODAY.

(13) **APPEAL NO. 05-204**

ELLEN CIRANGLE & ROBERT QUINN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	148 Beacon Street. Protesting the issuance on November 30, 2005, to John Brennan, Permit to Erect a Building (4-story, single-family house with 1000sf of ground floor area). APPLICATION NO. 2001/03/09/3927S. FOR HEARING TODAY.

(14) **SPECIAL NOTE:**

The Board of Appeals will hold a Special Meeting on Wednesday, February 1 in Room 34 beginning at 5:00 PM to evaluate and possibly propose revisions to the Rules of the Board of Appeals (effective Feb 1, 2002). The Board invites written comments on, or proposed revisions to, the Board Rules in advance of the Special Meeting. Letters can be mailed or hand delivered to the Board office, 1660 Mission Street, Room 3036, San Francisco, CA, 94103; facsimiles can be sent to 415-575-6885; and emails can be sent to Robert.Feldman@sfgov.org or Victor.Pacheco@sfgov.org.

Written comments submitted by 4:00 pm Thursday, Jan. 26, 2006 will be included in the Board's meeting packets.

The current Rules of the Board of Appeals (effective Feb 1, 2002) are posted on the Board website at www.sfgov.org/boa (click on link entitled "About"). Copies are also available at the Board office.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **Jan. 19th, 2006**

MEMBERS OF THE BOARD OF APPEALS

HISASHI B. SUGAYA	**PRESIDENT**
FRANK FUNG	**VICE PRESIDENT**
KATHARINE ALBRIGHT	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
RANDALL KNOX	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER – TEL: 415.506.0430 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net. THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JANUARY 25, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Hisashi Sugaya, Vice President Frank Fung, Commissioner Katharine Albright, Commissioner Michael Garcia, and Commissioner Randall Knox.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Craig Nikitas, Senior Planner, Planning Department (PD); Leo McFadden, Senior Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Richard Sinkoff, and Brett Gladstone.

(2) ELECTION OF OFFICERS

ACTION: Upon motion by President Sugaya, the Board voted 5-0 to elect Frank Fung President. Afterwards, upon motion by Commissioner Garcia, the Board voted 5-0 to elect Randall Knox as Vice President.

(3) COMMISSIONERS COMMENTS & QUESTIONS

SPEAKERS: None.

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(4) ADDENDUM ITEMS:

(4a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 71 Hancock Street. Permit issued on December 14, 2005. Last day to appeal was December 29, 2005. Jurisdiction request received on January 9, 2006. Letter from Richard Sinkoff, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2005/12/14/0294. Permit Holder(s): Robert Wexler. Project: on single-family house, new deck at rear of house.

ACTION: Upon motion by Commissioner Garcia, the Board voted 2-3 (President Fung, Vice President Knox and Commissioner Sugaya dissented) to deny the jurisdiction request. Four votes being required to grant a jurisdiction request, the request was denied.

SPEAKERS: Richard Sinkoff, requestor; Amy Ackerman, wife of permit holder; Leo McFadden, DBI.

(4b) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 244 – 246 – 6th Avenue. Permits issued on March 16, 2005, June 10, 2005, July 21, 2005, July 28, 2005, and Sept. 27, 2005. Last day to appeal was March 31, 2005, June 27, 2005, August 5, 2005, and August 12, 2005, respectively. Jurisdiction requests received on December 5, 2005. Letter from Susan Payne & Arisa Fuller, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2005/03/16/7644, 2004/09/27/5239, 2005/07/21/8222, and 2005/07/28/8867. Permit Holder(s): Jing Je He. Project: 1st permit, rearrange rooms, add 1 ½ bath, part of roofing (unsound) to be repaired; 2nd permit, change pitched roof to flat roof, extend right and left side building to property line; 3rd permit, replace unsound gyp. board on wall and ceiling; replace rotten wall studs and joists; 4th permit, add floor joists and flooring above second floor. **Note:** Appeal 05-168 (Item 5 on tonight's agenda), Payne & Fuller vs. DBI, PDA, filed on Oct. 12, 2005, relates to a 5th building permit issued on Sept. 27, 2005 for the same subject property. **Further Note:** public hearing on this jurisdiction request was held and closed on Jan. 11, 2006; matter continued to allow time for DBI and Planning to review the neighbor notification issue.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to deny the jurisdiction request.

SPEAKERS: Craig Nikitas, PD; Leo McFadden, DBI.

(5) **APPEAL NO. 05-168**

SUSAN PAYNE & ARISA FULLER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	244 – 6th Avenue. Protesting the issuance on September 27, 2005, to Jing Jie He, Permit to Alter a Building (on 2-unit building: replace unsound stair and replace stone with stucco per plan). APPLICATION NO. 2005/09/27/3928. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 5-0 to uphold the subject permit.

SPEAKERS: Susan Payne, co-appellant; Arisa Fuller, co-appellant; Jeffrey Chen, attorney for permit holder.

(6) **APPEAL NO. 04-136**

JUAN MAGARIN dba “MISSION BAY TOW”, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1100 Crescent Avenue. Appealing a Police Permit Zoning Referral (P51, Tow Car Firm) dated September 28, 2004, addressed to Juan Magarin, that the proposed use at the subject property, tow car operator, is not a permitted use in the NC-S (Neighborhood Commercial Shopping Center) zoning district pursuant to Planning Code §§ 713.1 to 713.95, and that Planning Department records do not indicate the legal establishment of a non-conforming use for a tow car operator at this location. PUBLIC HEARING HELD & CLOSED ON NOVEMBER 2, 2005. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow appellant time to relocate his tow car business to an appropriate zoning district.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to uphold the Police Permit Zoning Referral.

SPEAKERS: None. Appellant did not appear.

(7) **APPEAL NO. 05-171**

YUE ZHEN OU, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	260 Kearny Street. Appealing a Health Permit Zoning Referral, dated July 20, 2005, addressed to Yue Zhen Ou, which disapproves the proposed massage establishment use because such use is not permitted within the C-3-O (Downtown Office) zoning district under § 218.1 of the Planning Code. JURISDICTION GRANTED OCT. 5, 2005. PUBLIC HEARING HELD & CLOSED ON DEC. 7, 2005. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for appellant and the ZA to work out a solution.**

ACTION: Upon motion by Commissioner Sugaya, the Board voted 5-0 to reschedule the matter to March 29, 2006 at the written request of the parties.

SPEAKERS: None.

(8) APPEAL NO. V05-182

VIBRANT MEDIA INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	535 Mission Street. Protesting the granting on October 19, 2005, to Monahan Pacific Inc., Dwelling Unit Exposure Variance (demolish existing parking lot and construct a 34-story building with up to 273 dwelling units, approx. 4,000sf of ground floor retail space, 7,230sf of common usable open space for residential use, 80sf of public open space for retail use, and a 5-level underground garage for up to 273 parking spaces using mechanical stackers and valet service. VARIANCE CASE. NO. 2004.0297EKXV. PUBLIC HEARING HELD & CLOSED ON JANUARY 11, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for submittal of the mitigated negative declaration by the variance holder.**

ACTION: Withdrawn by appellant.

SPEAKERS: None.

(9) APPEAL NO. 05-167

BAY CAB COMPANY, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing a Notice of Decision dated September 26, 2005, that orders the payment of all fines, abatement of all violations within 3 months, and the imposition of a 1-year probation. RESOLUTION NO. 2005-60. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5-0 to reschedule the matter to March 15, 2006, and for the matter to be first on the agenda.

SPEAKERS: Roger Cardenas, agent for appellant.

(10) **APPEAL NO. 05-183**

JOHN & CONNIE LINEHAN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	839 North Point Street. Appealing the denial on October 17, 2005, of Permit to Remove and Replace One (1) Tree. ORDER NO. 175,641. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Knox, the Board voted 5-0 to overrule the denial, and grant the permit with the following conditions: a) that the appellant plant two replacement trees (one tree at subject property, one tree at adjacent property); b) that the replacement trees be of a 24 inch box size; and c) that the replacement trees be of a species suitable to DPW BUF, with the following finding: the subject tree has created property damage (broken sidewalk), and the planting of two replacement trees creates a benefit equal or greater than the greenery of the subject tree.

SPEAKERS: Carla Short, DPW BUF; John Lineham, co-appellant; Connie Lineham, co-appellant.

ITEMS (11A) & (11B) SHALL BE HEARD TOGETHER:

(11A) **APPEAL NO. 05-200**

GUY CARSON, MICHAEL SIDLOW, & TOM LANGSTON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	744 Union Street #5. Protesting the issuance on November 23, 2005, to W.B. Coyle, Permit to Alter a Building (renew B.P.A. No. 2005/04/28/1102; on 6-unit apartment building; remodel kitchen and bath; repair/replace wood floors as necessary; refinish floor for entire apartment; replace damaged floor, less than 200sf; replace sink, appliances, counter tops and cabinets in kitchen; and replace tub, sink and toilet in bathroom). APPLICATION NO. 2005/11/23/8922. FOR HEARING TODAY.

(11B) **APPEAL NO. 05-201**

GUY CARSON, MICHAEL SIDLOW, & TOM LANGSTON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	744 Union Street #2. Protesting the issuance on November 23, 2005, to W.B. Coyle, Permit to Alter a Building (renew B.P.A. No. 2005/04/28/1105; on 6-unit apartment building; remodel kitchen and bath; repair/replace wood floors as necessary; refinish floor for entire apartment; replace damaged floor, less than 200sf; replace sink, appliances, counter tops and cabinets in kitchen; and replace tub, sink and toilet in bathroom). APPLICATION NO. 2005/11/23/8924. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 5-0 to reschedule the matter to Feb. 8, 2006 at the written request of the parties.

SPEAKERS: None.

(12) **APPEAL NO. 05-203**

JEFFREY & KATHLEEN PASELTINER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	2555 Leavenworth Street #302 & 303. Appealing the denial on December 6, 2005, of Permit to Alter a Building (on 22-unit building: revert layout from combined unit back to 2 units; remove kitchen and install 2 new ones; add 1 bathroom and remodel 3 bathrooms; no structural nor exterior alteration proposed). APPLICATION NO. 2005/08/10/9955. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 5-0 to overrule the denial, and grant the permit with the following findings: a) that no subdivision map changes were made and thus the merger was never perfected; and b) that the separate mailing of assessor, electrical and HOA bills to Units 302 and 303 indicates the continued existence of two units.

SPEAKERS: Craig Nikitas, PD; Brett Gladstone, attorney for appellants; Anita Strauss, and Joe O'Donohue, for appellants.

(13) **APPEAL NO. 05-204**

ELLEN CIRANGLE & ROBERT QUINN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	148 Beacon Street. Protesting the issuance on November 30, 2005, to John Brennan, Permit to Erect a Building (4-story, single-family house with 1000sf of ground floor area). APPLICATION NO. 2001/03/09/3927S. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5-0 to uphold the permit with the following conditions: a) that the four trees on the street be planted as per the permit holder's design; and b) that two additional trees (24 inch box) be planted in the general location of the two trees that are being removed because of disease.

SPEAKERS: Ellen Cirangle, co-appellant; Matthew Brenna, permit holder; Andrew Smith and Joe O'Donoghue,for permit holder; Craig Nikitas, PD.

(14) **SPECIAL NOTE:**

The Board of Appeals will hold a Special Meeting on Wednesday, February 1 in Room 34 beginning at 5:00 PM to evaluate and possibly propose revisions to the Rules of the Board of Appeals (effective Feb 1, 2002). The Board invites written comments on, or proposed revisions to, the Board Rules in advance of the Special Meeting. Letters can be mailed or hand delivered to the Board office, 1660 Mission Street, Room 3036, San Francisco, CA, 94103; facsimiles can be sent to 415-575-6885; and emails can be sent to Robert.Feldman@sfgov.org or Victor.Pacheco@sfgov.org.

Written comments submitted by 4:00 pm Thursday, Jan. 26, 2006 will be included in the Board's meeting packets.

The current Rules of the Board of Appeals (effective Feb 1, 2002) are posted on the Board website at www.sfgov.org/boa (click on link entitled "About"). Copies are also available at the Board office.

SPEAKERS: None.

There being no further business, President Fung adjourned the meeting at 8:25 p.m.

Robert H Feldman

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter. TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net.

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

NOTICE AND AGENDA FOR SPECIAL MEETING

RE: REVISIONS TO RULES OF THE BOARD OF APPEALS

WEDNESDAY, FEBRUARY 1, 2006 - 5:00 P.M., CITY HALL, ROOM 34

(Note change in meeting room)

INVITATION for WRITTEN COMMENTS:

The Board of Appeals will hold a Special Meeting on Wednesday, February 1 in Room 34 beginning at 5:00 PM to evaluate and possibly propose revisions to the Rules of the Board of Appeals (effective Feb 1, 2002). The Board invites written comments on, or proposed revisions to, the Board Rules in advance of the Special Meeting. Letters can be mailed or hand delivered to the Board office, 1660 Mission Street, Room 3036, San Francisco, CA, 94103; facsimiles can be sent to 415-575-6885; and emails can be sent to Robert.Feldman@sfgov.org or Victor.Pacheco@sfgov.org.

Written comments submitted by 4:00 pm Thursday, Jan. 26, 2006 will be included in the Board's meeting packets.

The current Rules of the Board of Appeals (effective Feb 1, 2002) are posted on the Board website at www.sfgov.org/boa (click on link entitled "About"). Copies are also available at the Board office.

SPECIAL MEETING AGENDA

The Board will discuss the Rules of the Board of Appeals (effective Feb 1, 2002) and may propose revisions to the Rules. The Board will agendize revisions proposed at this Special Meeting, if any, for possible adoption at a future Regular or Special Meeting for which at least ten days' notice is given. Revised Board Rules, if any, will not become effective unless and until adopted. Revised Board Rules, if any, would also be filed with the Clerk of the Board of Supervisors after adoption and posted on the Board's website.

PUBLIC COMMENT:

The Board will consider all written materials submitted and will provide an opportunity for members of the public to directly address the Board concerning the Board Rules before or during the Board's deliberations.

ADJOURNMENT.

Date posted: **Dec. 30th, 2005**

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, FEBRUARY 8, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

02-03-06A09:28 RCVD

(3) **SPECIAL ITEM:** Presentation by Planning Department Staff of recently adopted Dwelling Unit Merger (DUM) policy of the Planning Commission.

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(4) ADDENDUM ITEMS:

(4a) REHEARING REQUEST:

Taxi medallion no. 436. Letter from Hayward Wong, appellant(s), requesting rehearing of Appeal No(s). 05-179, Wong vs. TC, decided December 14, 2005. At that time, upon motion by President Sugaya, the Board voted 5-0 to uphold the suspension of the subject taxi medallion. **Note: Public hearing on this rehearing request was held and closed on Jan. 18, 2006; matter continued to allow time for submittal of additional documents pursuant to the Board's comments.**

(4b) REHEARING REQUEST:

Subject property at 2233 Vicente Street. Letter from Walter Wong, agent for Yat Wa Chu, appellant, requesting rehearing of Appeal No(s). 05-177, Chu vs. ZA, decided January 11, 2006. At that time, upon motion by President Sugaya, the Board voted 5-0 to uphold the determination regarding the legality of the existing use of the subject property (hardware and builders supply business with an outdoor storage yard), which is located in an NC-1 (Neighborhood Commercial Cluster) zoning district.

(4c) **REHEARING REQUEST:**

Subject property at 1740 Filbert Street. Letter from Amy McDougall, appellant(s), requesting rehearing of Appeal No(s). 05-064/065, McDougall vs. DBI, PDD, decided June 8, 2005. At that time, upon motion by Commissioner Saunders, the Board voted 5-0 to uphold the denial of both permits by the Planning Department. Project, 1st permit: demolish a single-story building with 320sf of ground floor area, BPA No. 2004/12/02/0582. Project, 2nd permit: construction of a 4-story single-family dwelling with 1,224sf of ground floor area, BPA No. 2004/12/02/0571S.

(5) **APPEAL NO. 05-206**

PATRICK MISSUD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	438-440 Campbell Avenue. Appealing the imposition of penalty on December 8, 2005, for work done without a permit (on two-unit building: remodel both units including kitchen, bath, wooden windows and drywall; update electric and heating; new paint and flooring; widen front driveway to allow for 20% front yard landscaping; remove roof deck; correct all violations). APPLICATION NO. 2005/10/04/4669. FOR HEARING TODAY.

(6) **APPEAL NO. 05-207**

JEFF KENDALL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1545 Broadway. Appealing the imposition of penalty on December 19, 2005, for work done without a permit (on 24-unit condominium building: repair all windows on front of building; aluminum to vinyl; no structural changes visible from street). APPLICATION NO. 2005/10/03/4526. FOR HEARING TODAY.

(7) **APPEAL NO. 05-209**

JOHN ZINN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	2055 – 21st Avenue. Appealing the conditions placed on a Permit to Remove and Replace One (1) Tree. ORDER NO. 175,765. FOR HEARING TODAY.

(8) **APPEAL NO. 05-191**

STEVE & JESSICA WYNNE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1824 Baker Street. Appealing the denial, on January 31, 2006, of Permit to Alter a Building (legalize conversion from 7 dwelling units to 2 dwelling units). APPLICATION NO. 2003/10/03/6524. FOR HEARING TODAY.

ITEMS (9A) & (9B) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 05-200**

GUY CARSON, MICHAEL SIDLOW, & TOM LANGSTON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	744 Union Street #5. Protesting the issuance on November 23, 2005, to W.B. Coyle, Permit to Alter a Building (renew B.P.A. No. 2005/04/28/1102; on 6-unit apartment building; remodel kitchen and bath; repair/replace wood floors as necessary; refinish floor for entire apartment; replace damaged floor, less than 200sf; replace sink, appliances, counter tops and cabinets in kitchen; and replace tub, sink and toilet in bathroom). APPLICATION NO. 2005/11/23/8922. FOR HEARING TODAY.

(9B) **APPEAL NO. 05-201**

GUY CARSON, MICHAEL SIDLOW, & TOM LANGSTON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	744 Union Street #2. Protesting the issuance on November 23, 2005, to W.B. Coyle, Permit to Alter a Building (renew B.P.A. No. 2005/04/28/1105; on 6-unit apartment building; remodel kitchen and bath; repair/replace wood floors as necessary; refinish floor for entire apartment; replace damaged floor, less than 200sf; replace sink, appliances, counter tops and cabinets in kitchen; and replace tub, sink and toilet in bathroom). APPLICATION NO. 2005/11/23/8924. FOR HEARING TODAY.

(10) **APPEAL NO. 05-202**

JOHN TYNAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1960, 1980-1998 Golden Gate Avenue. Protesting the issuance on November 23, 2005, to Prana Eight Properties LLC, Permit to Alter a Building (on 12-unit apartment building: response to NOV No. 200338880; remove 2 illegal ground floor dwelling units; remove defective bathroom on 1st floor; remove existing defective rear exit stair and deck; provide new required exit with fire-escape per "local equivalency"; provide new kitchen and bathroom for existing 4th floor apartments). APPLICATION NO. 2003/12/02/1446. FOR HEARING TODAY.

(11) **APPEAL NO. 05-208**

MARY GRUDNOWSKI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2740-2742 Filbert Street. Appealing the suspension on December 7, 2005, of Building Permit Application No. 2005/11/04/7478 (a revision to B.P.A. No. 2004/04/08/0828). Reason(s) for suspension: the Planning Department needs time to research whether this revision permit requires additional notification and/or consideration by the Planning Commission since the underlying permit was subject to a Discretionary Review (DR) hearing on September 23, 2004. FOR HEARING TODAY.

(12) **APPEAL NO. 05-211**

ST. MARY'S IMPROVEMENT CLUB, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	201 College Avenue. Protesting the issuance on December 13, 2005, to Alexander & Robin Paret, Permit to Alter a Building (on single-family house: replace chain link fence and broken retaining wall with new wall; new curb cut). APPLICATION NO. 2005/06/01/3894. FOR HEARING TODAY.

(13) **APPEAL NO. 05-212**

AMIR ZAVIEH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2124 Hyde Street. Protesting the issuance on December 9, 2005, to B.F. Herman, Permit to Alter a Building (on 7-unit apartment building: remodel kitchen in unit nos. 1,4,5 and 6; replace cabinets and counters; no structural work; comply with NOV no. 200564773). APPLICATION NO. 2005/12/09/9928. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **February 2, 2006**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	PRESIDENT
RANDALL KNOX	VICE PRESIDENT
KATHARINE ALBRIGHT	COMMISSIONER
MICHAEL GARCIA	COMMISSIONER
HISASHI B. SUGAYA	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER – TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net. THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, FEBRUARY 8, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Randall Knox, Commissioner Katharine Albright, Commissioner Michael Garcia, and Commissioner Hisashi Sugaya.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Jonas Ionin, Senior Planner, Planning Department (PD); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Carla Short, Urban Forester, Dept. of Public Works, Bureau of Urban Forestry (DPW BUF); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Bob Planthold, Michael Ege, Mark Gruberg, and David Pilpel.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

(3) **SPECIAL ITEM:** Presentation by Planning Department Staff of recently adopted Dwelling Unit Merger (DUM) policy of the Planning Commission.

SPEAKERS: Jonas Ionin, PD.

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(4) ADDENDUM ITEMS:

(4a) REHEARING REQUEST:

Taxi medallion no. 436. Letter from Hayward Wong, appellant(s), requesting rehearing of Appeal No(s). 05-179, Wong vs. TC, decided December 14, 2005. At that time, upon motion by President Sugaya, the Board voted 5-0 to uphold the suspension of the subject taxi medallion. **Note: Public hearing on this rehearing request was held and closed on Jan. 18, 2006; matter continued to allow time for submittal of additional documents pursuant to the Board's comments.**

ACTION: Upon motion by Vice President Knox, the Board voted 5-0 to deny the request for rehearing.

SPEAKERS: Jim Gillespie, agent for appellant; Heidi Machen, Taxi Commission.

(4b) REHEARING REQUEST:

Subject property at 2233 Vicente Street. Letter from Walter Wong, agent for Yat Wa Chu, appellant, requesting rehearing of Appeal No(s). 05-177, Chu vs. ZA, decided January 11, 2006. At that time, upon motion by President Sugaya, the Board voted 5-0 to uphold the determination regarding the legality of the existing use of the subject property (hardware and builders supply business with an outdoor storage yard), which is located in an NC-1 (Neighborhood Commercial Cluster) zoning district.

ACTION: Withdrawn by appellant / requestor.

SPEAKERS: None.

(4c) REHEARING REQUEST:

Subject property at 1740 Filbert Street. Letter from Amy McDougall, appellant(s), requesting rehearing of Appeal No(s). 05-064/065, McDougall vs. DBI, PDD, decided June 8, 2005. At that time, upon motion by Commissioner Saunders, the Board voted 5-0 to uphold the denial of both permits by the Planning Department. Project, 1st permit: demolish a single-story building with 320sf of ground floor area, BPA No. 2004/12/02/0582. Project, 2nd permit: construction of a 4-story single-family dwelling with 1,224sf of ground floor area, BPA No. 2004/12/02/0571S.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to reschedule the matter to March 22, 2006 at the written request of the parties.

SPEAKERS: None.

(5) **APPEAL NO. 05-206**

PATRICK MISSUD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	438-440 Campbell Avenue. Appealing the imposition of penalty on December 8, 2005, for work done without a permit (on two-unit building: remodel both units including kitchen, bath, wooden windows and drywall; update electric and heating; new paint and flooring; widen front driveway to allow for 20% front yard landscaping; remove roof deck; correct all violations). APPLICATION NO. 2005/10/04/4669. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-1 (Commissioner Sugaya dissented) to reduce the penalty to seven times the regular fee.

SPEAKERS: Laurence Kornfield, DBI; Patrick Missud, appellant; John Endrina, subject property owner.

(6) **APPEAL NO. 05-207**

JEFF KENDALL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1545 Broadway. Appealing the imposition of penalty on December 19, 2005, for work done without a permit (on 24-unit condominium building: repair all windows on front of building; aluminum to vinyl; no structural changes visible from street). APPLICATION NO. 2005/10/03/4526. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to reduce the penalty to two times the regular fee.

SPEAKERS: Laurence Kornfield, DBI; Jeff Kendall, appellant; Kevin Gundry, agent for appellant.

(7) **APPEAL NO. 05-209**

JOHN ZINN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	2055 – 21st Avenue. Appealing the conditions placed on a Permit to Remove and Replace One (1) Tree. ORDER NO. 175,765. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-1 (President Fung dissented) to uphold the conditions placed on the subject permit.

SPEAKERS: Carla Short, DPW BUF; John Zinn, appellant.

(8) **APPEAL NO. 05-191**

STEVE & JESSICA WYNNE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1824 Baker Street. Appealing the denial, on January 31, 2006, of Permit to Alter a Building (legalize conversion from 7 dwelling units to 2 dwelling units). APPLICATION NO. 2003/10/03/6524. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 5-0 to overrule the denial, and grant the permit with findings to be adopted at a later date.

SPEAKERS: Jonas Ionin, PD; Jeremy Paul, agent for appellant; Christopher DaCunha, and Joseph Lasky, for appellants.

ITEMS (9A) & (9B) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 05-200**

GUY CARSON, MICHAEL SIDLOW, & TOM LANGSTON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	744 Union Street #5. Protesting the issuance on November 23, 2005, to W.B. Coyle, Permit to Alter a Building (renew B.P.A. No. 2005/04/28/1102; on 6-unit apartment building; remodel kitchen and bath; repair/replace wood floors as necessary; refinish floor for entire apartment; replace damaged floor, less than 200sf; replace sink, appliances, counter tops and cabinets in kitchen; and replace tub, sink and toilet in bathroom). APPLICATION NO. 2005/11/23/8922. FOR HEARING TODAY.

(9B) **APPEAL NO. 05-201**

GUY CARSON, MICHAEL SIDLOW, & TOM LANGSTON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	744 Union Street #2. Protesting the issuance on November 23, 2005, to W.B. Coyle, Permit to Alter a Building (renew B.P.A. No. 2005/04/28/1105; on 6-unit apartment building; remodel kitchen and bath; repair/replace wood floors as necessary; refinish floor for entire apartment; replace damaged floor, less than 200sf; replace sink, appliances, counter tops and cabinets in kitchen; and replace tub, sink and toilet in bathroom). APPLICATION NO. 2005/11/23/8924. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to reschedule both matters to Feb. 22, 2006 at the written request of the parties.

SPEAKERS: None.

(10) **APPEAL NO. 05-202**

JOHN TYNAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1960, 1980-1998 Golden Gate Avenue. Protesting the issuance on November 23, 2005, to Prana Eight Properties LLC, Permit to Alter a Building (on 12-unit apartment building: response to NOV No. 200338880; remove 2 illegal ground floor dwelling units; remove defective bathroom on 1st floor; remove existing defective rear exit stair and deck; provide new required exit with fire-escape per "local equivalency"; provide new kitchen and bathroom for existing 4th floor apartments). APPLICATION NO. 2003/12/02/1446. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 5-0 to reschedule the matter to Feb. 15, 2006.

SPEAKERS: Raquel Fox, attorney for appellant; Curtis Dowling, attorney for permit holder.

(11) **APPEAL NO. 05-208**

MARY GRUDNOWSKI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2740-2742 Filbert Street. Appealing the suspension on December 7, 2005, of Building Permit Application No. 2005/11/04/7478 (a revision to B.P.A. No. 2004/04/08/0828). Reason(s) for suspension: the Planning Department needs time to research whether this revision permit requires additional notification and/or consideration by the Planning Commission since the underlying permit was subject to a Discretionary Review (DR) hearing on September 23, 2004. FOR HEARING TODAY.

ACTION: Withdrawn by appellant.

SPEAKERS: None.

(12) **APPEAL NO. 05-211**

ST. MARY'S IMPROVEMENT CLUB, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	201 College Avenue. Protesting the issuance on December 13, 2005, to Alexander & Robin Paret, Permit to Alter a Building (on single-family house: replace chain link fence and broken retaining wall with new wall; new curb cut). APPLICATION NO. 2005/06/01/3894. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Albright, the Board voted 4-1 (Commissioner Sugaya dissented) to uphold the permit with the following conditions: a) that 70% of the fence be transparent; b) that the fence height be 6 feet; c) that the 8 inch setback remain; d) that landscaping be placed within this 8 inch setback; and e) that the pillars covered by the subject permit may remain.

SPEAKERS: Kass McMahon-Kelly, agent for appellant; Judith Rentschler, attorney for permit holders; Yakuh Askew, architect for permit holders; Rodrigo Santos, engineer for permit holders; Elsie Aviles, Julie Carniglia, Jorge Reyes, Kimberly Lauer, Lisa Everson, and Matt Lauer, for appellant; Patrick Noonan, for permit holders; Jonas Ionin, PD; Laurence Kornfield, DBI; Robin Paret, co-permit holder.

(13) **APPEAL NO. 05-212**

AMIR ZAVIEH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2124 Hyde Street. Protesting the issuance on December 9, 2005, to B.F. Herman, Permit to Alter a Building (on 7-unit apartment building: remodel kitchen in unit nos. 1,4,5 and 6; replace cabinets and counters; no structural work; comply with NOV no. 200564773). APPLICATION NO. 2005/12/09/9928. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 5-0 to reschedule the matter to Feb. 15, 2006.

SPEAKERS: Raquel Fox, attorney for appellant; Denise Leadbetter, attorney for permit holder

There being no further business, President Fung adjourned the meeting at 9:40 p.m.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter. TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, FEBRUARY 15, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

NOTE: ITEM 1 (CLOSED SESSION) SHALL BEGIN EARLY AT 4:30PM:

(1) CLOSED SESSION FOR PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

A. Public comment on all matters pertaining to this closed session.

B. Closed session. Routine performance evaluation of Executive Secretary, Robert Feldman (CA Gov't Code § 54957 and SF Admin Code § 67.10).

C. Open session. Reconvene in open session. Motion and vote whether to exercise discretion either (1) not to disclose or (2) to disclose any non-confidential portion of the closed session discussion (SF Admin Code § 67.12(a)).

(2) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(3) COMMISSIONERS COMMENTS & QUESTIONS:

(4) ADDENDUM ITEMS:

(4a) REHEARING REQUEST:

Subject property at 1420 Haight Street. Letter from Mark Brennan, attorney for John Brennan, appellant, requesting rehearing of Appeal No. V05-175, Brennan vs. ZA, decided Jan. 18, 2006. At that time, upon motion by Commissioner Garcia, the Board voted 4-0-1 (Commissioner Albright absent) to uphold the subject variance with adoption of the Zoning Administrator's findings. Variance Holder: Mehran Esmaili. Project: Rear Yard & Non-Complying Structure Variances (stair penthouse and elevator mechanical equipment constructed without permits at the rear of the roof of the subject building); Variance Case No. 2004.1203V.

(4b) REHEARING REQUEST:

Subject property at 2646-2648 Hyde Street. Letter from Stephen Williams, attorney for Arza Trust, appellant, requesting rehearing of Appeal No. 05-193, Arza Trust vs. DBI, PDA, DECIDED Jan. 18, 2006. At that time, upon motion by Commissioner Knox, the Board voted 4-0-1 (Commissioner Albright absent) to uphold the subject permit. Permit Holder: Marla McGowan. Project: on 2 –unit building, replace stairs at rear of building – in kind, B.P.A. No. 2005/07/15/7691.

(5) APPEAL NO. 05-138

FALKO STRUNZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	121 Shotwell Street. Protesting the issuance on July 26, 2005, to George Quellette, Permit to Alter a Building (on 6-unit apartment building: remove illegal occupancy in basement per NOV; remove illegal plumbing work; remove illegal electrical work). APPLICATION NO. 2005/07/26/8665. PUBLIC HEARING HELD & CLOSED ON SEPT. 21, 2005. **Note: Matter continued to allow time for appellant to relocate, and with DBI to conduct a site visit for imminent life/safety issues.**

(6) APPEAL NO. 06-001

TARA HOUSMAN, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 4, 2005, of Driver of Public Passenger Vehicle for Hire Permit (P44) due to non-payment of fees. PERMIT (A-CARD) NO. 068767. JURISDICTION GRANTED DEC. 14, 2005. FOR HEARING TODAY.

(7) APPEAL NO. 05-214

KHALED ABDOROBINHE dba "BARAH DELI & GROCERY MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	200 Leavenworth Street. Appealing a 10-day suspension of a Tobacco Product Sales Establishment Permit, imposed on December 14, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 02-05-461. FOR HEARING TODAY.

(8) **APPEAL NO. 04-019**

OCEAN PARC VILLAGE HOMEOWNER'S ASSOCATION, Appellant(s) vs. PLANNING DEPARTMENT, Respondent	730 Great Highway. Protesting the issuance on March 8, 2004, to Tom and Breda MacDonald & KTH LLC, Coastal Zone Permit Authorization (proposal is to construct a new 3-story, 4-unit building approximately 32 feet in height on a vacant lot). CASE NO. 2003.1009P. FOR HEARING TODAY.

(9) **APPEAL NO. 05-202**

JOHN TYNAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1960, 1980-1998 Golden Gate Avenue. Protesting the issuance on November 23, 2005, to Prana Eight Properties LLC, Permit to Alter a Building (on 12-unit apt. building: response to NOV No. 200338880; remove 2 illegal ground floor dwelling units; remove defective bathroom on 1st floor; remove existing defective rear exit stair and deck; provide new required exit with fire-escape per "local equivalency"; provide new kitchen and bathroom for existing 4th floor apartments). APPLICATION NO. 2003/12/02/1446. FOR HEARING TODAY.

(10) **APPEAL NO. 05-212**

AMIR ZAVIEH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2124 Hyde Street. Protesting the issuance on December 9, 2005, to B.F. Herman, Permit to Alter a Building (on 7-unit apartment building: remodel kitchen in unit nos. 1,4,5 and 6; replace cabinets and counters; no structural work; comply with NOV no. 200564773). APPLICATION NO. 2005/12/09/9928. FOR HEARING TODAY.

(11) **APPEAL NO. 05-216**

IVAN ABESHAUS, WENDY OSBOURNE, JONATHAN KONNAN, NICOLE MAJORS, WHITNEY SMITH, CARMEN CORDOVEZ, KILLIAN O'SULLIVAN, & LAUREN HALL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	32 Cunningham Place. Protesting the issuance on December 16, 2005, to Eric Neplokh, Permit to Alter a Building (on 2-unit building: install roof deck at 2nd floor at rear of building). APPLICATION NO. 2005/12/16/0525. FOR HEARING TODAY.

(12) **APPEAL NO. 06-002**

GAETANO ZANELLI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	60 Clarendon Avenue. Protesting the issuance on December 20, 2005, to Tom McGrath, Site Permit to Erect a Building (4-story single-family house). APPLICATION NO. 2004/04/22/2053S. FOR HEARING TODAY.

ITEMS (13A) & (13B) SHALL BE HEARD TOGETHER:

(13A) **APPEAL NO. 06-003**

JOYCE BOOK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	785 San Bruno Avenue. Protesting the issuance on December 20, 2005, to Joseph Bradford, Permit to Demolish a Building (one-story, single-family house with 560sf of ground floor area). APPLICATION NO. 2003/10/29/8851. FOR HEARING TODAY.

(13B) **APPEAL NO. 06-004**

JOYCE BOOK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	785 San Bruno Avenue. Protesting the issuance on December 20, 2005, to Joseph Bradford, Site Permit to Erect a Building (3-story, 2-unit residential building with 1,250sf of ground floor area). APPLICATION NO. 2003/10/29/8854S. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **February 9, 2006**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	**PRESIDENT**
RANDALL KNOX	**VICE PRESIDENT**
KATHARINE ALBRIGHT	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
HISASHI B. SUGAYA	**COMMISSIONER**

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PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, FEBRUARY 15, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Randall Knox, Commissioner Katharine Albright, Commissioner Michael Garcia, and Commissioner Hisashi Sugaya.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Lawrence Badiner, Zoning Administrator, Planning Department (ZA); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Cecilia Mangoba, Deputy City Attorney for the Dept. of Public Health (DPH); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

NOTE: ITEM 1 (CLOSED SESSION) SHALL BEGIN EARLY AT 4:30PM:

(1) CLOSED SESSION FOR PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

A. Public comment on all matters pertaining to this closed session.
B. Closed session. Routine performance evaluation of Executive Secretary, Robert Feldman (CA Gov't Code § 54957 and SF Admin Code § 67.10).
C. Open session. Reconvene in open session. Motion and vote whether to exercise discretion either (1) not to disclose or (2) to disclose any non-confidential portion of the closed session discussion (SF Admin Code § 67.12(a)).

ACTION: Upon motion by Commissioner Garcia, the Board voted 3-0-2 (Vice President Knox and Commissioner Albright absent) to enter into closed session. Afterwards, upon motion by Vice President Knox, the Board voted 5-0 to reveal the discussion held in closed session.

SPEAKERS: None.

(2) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(3) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

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(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUEST:**

Subject property at 1420 Haight Street. Letter from Mark Brennan, attorney for John Brennan, appellant, requesting rehearing of Appeal No. V05-175, Brennan vs. ZA, decided Jan. 18, 2006. At that time, upon motion by Commissioner Garcia, the Board voted 4-0-1 (Commissioner Albright absent) to uphold the subject variance with adoption of the Zoning Administrator's findings. Variance Holder: Mehran Esmaili. Project: Rear Yard & Non-Complying Structure Variances (stair penthouse and elevator mechanical equipment constructed without permits at the rear of the roof of the subject building); Variance Case No. 2004.1203V.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to deny the rehearing request.

SPEAKERS: Mark Brennan, attorney for appellant; David Levy, attorney for variance holder.

(4b) **REHEARING REQUEST:**

Subject property at 2646-2648 Hyde Street. Letter from Stephen Williams, attorney for Arza Trust, appellant, requesting rehearing of Appeal No. 05-193, Arza Trust vs. DBI, PDA, DECIDED Jan. 18, 2006. At that time, upon motion by Commissioner Knox, the Board voted 4-0-1 (Commissioner Albright absent) to uphold the subject permit. Permit Holder: Marla McGowan. Project: on 2 –unit building, replace stairs at rear of building – in kind, B.P.A. No. 2005/07/15/7691.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 5-0 to deny the rehearing request.

SPEAKERS: Stephen Williams, attorney for appellant; Jeremy Paul, agent for permit holder.

(5) **APPEAL NO. 05-138**

FALKO STRUNZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	121 Shotwell Street. Protesting the issuance on July 26, 2005, to George Quellette, Permit to Alter a Building (on 6-unit apartment building: remove illegal occupancy in basement per NOV; remove illegal plumbing work; remove illegal electrical work). APPLICATION NO. 2005/07/26/8665. PUBLIC HEARING HELD & CLOSED ON SEPT. 21, 2005. **Note: Matter continued to allow time for appellant to relocate, and with DBI to conduct a site visit for imminent life/safety issues.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to uphold the permit.

SPEAKERS: Laurence Kornfield, DBI; appellant and permit holder did not appear.

(6) **APPEAL NO. 06-001**

TARA HOUSMAN, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 4, 2005, of Driver of Public Passenger Vehicle for Hire Permit (P44) due to non-payment of fees. PERMIT (A-CARD) NO. 068767. JURISDICTION GRANTED DEC. 14, 2005. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5-0 to overrule the revocation on condition that the appellant pay the renewal fees and penalties.

SPEAKERS: Tara Housman, appellant.

(7) **APPEAL NO. 05-214**

KHALED ABDOROBINHE dba "BARAH DELI & GROCERY MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	200 Leavenworth Street. Appealing a 10-day suspension of a Tobacco Product Sales Establishment Permit, imposed on December 14, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 02-05-461. FOR HEARING TODAY.

ACTION: Upon motion Commissioner Garcia, the Board voted 5-0 to uphold the 10-day suspension.

SPEAKERS: Cecilia Mangoba, DPH; Robert Ziegler, SFPD; Fatima Ghazi, agent for appellant.

(8) **APPEAL NO. 04-019**

OCEAN PARC VILLAGE HOMEOWNER'S ASSOCATION, Appellant(s) vs. PLANNING DEPARTMENT, Respondent	730 Great Highway. Protesting the issuance on March 8, 2004, to Tom and Breda MacDonald & KTH LLC, Coastal Zone Permit Authorization (proposal is to construct a new 3-story, 4-unit building approximately 32 feet in height on a vacant lot). CASE NO. 2003.1009P. FOR HEARING TODAY.

ACTION: Withdrawn by appellant.

SPEAKERS: None.

(9) **APPEAL NO. 05-202**

JOHN TYNAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1960, 1980-1998 Golden Gate Avenue. Protesting the issuance on November 23, 2005, to Prana Eight Properties LLC, Permit to Alter a Building (on 12-unit apt. building: response to NOV No. 200338880; remove 2 illegal ground floor dwelling units; remove defective bathroom on 1st floor; remove existing defective rear exit stair and deck; provide new required exit with fire-escape per "local equivalency"; provide new kitchen and bathroom for existing 4th floor apartments). APPLICATION NO. 2003/12/02/1446. FOR HEARING TODAY.

ACTION: Upon motion Commissioner Albright, the Board voted 5-0 to reschedule the matter to March 1, 2006.

SPEAKERS: Raquel Fox, attorney for appellant; Laurence Kornfield, DBI; Curtis Dowling, attorney for permit holder; Lawrence Badiner, ZA; Joe O'Donoghue, for appellant.

(10) **APPEAL NO. 05-212**

AMIR ZAVIEH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2124 Hyde Street. Protesting the issuance on December 9, 2005, to B.F. Herman, Permit to Alter a Building (on 7-unit apartment building: remodel kitchen in unit nos. 1,4,5 and 6; replace cabinets and counters; no structural work; comply with NOV no. 200564773). APPLICATION NO. 2005/12/09/9928. FOR HEARING TODAY.

ACTION: Withdrawn at hearing.

SPEAKERS: Raquel Fox, attorney for appellant.

(11) **APPEAL NO. 05-216**

IVAN ABESHAUS, WENDY OSBOURNE, JONATHAN KONNAN, NICOLE MAJORS, WHITNEY SMITH, CARMEN CORDOVEZ, KILLIAN O'SULLIVAN, & LAUREN HALL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	32 Cunningham Place. Protesting the issuance on December 16, 2005, to Eric Neplokh, Permit to Alter a Building (on 2-unit building: install roof deck at 2nd floor at rear of building). APPLICATION NO. 2005/12/16/0525. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Knox, the Board voted 5-0 to uphold the permit with the following conditions: a) that there be a seven (7) foot - six (6) inch setback from the rear roof edge; b) that the railing be of slated wood as proposed in the appellant's brief; and c) that there be no limit on the width of the deck.

SPEAKERS: Ivan Abeshaus, co-appellant; Lu Blazej, agent for permit holder; Lawrence Badiner, ZA; Laurence Kornfield, DBI.

(12) **APPEAL NO. 06-002**

GAETANO ZANELLI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	60 Clarendon Avenue. Protesting the issuance on December 20, 2005, to Tom McGrath, Site Permit to Erect a Building (4-story single-family house). APPLICATION NO. 2004/04/22/2053S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 5-0 to uphold the permit.

SPEAKERS: Eric McFarland, attorney for appellant; James Reuben, attorney for permit holder; Michael Hickey, and Greg Clarke, for permit holder.

ITEMS (13A) & (13B) SHALL BE HEARD TOGETHER:

(13A) **APPEAL NO. 06-003**

JOYCE BOOK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	785 San Bruno Avenue. Protesting the issuance on December 20, 2005, to Joseph Bradford, Permit to Demolish a Building (one-story, single-family house with 560sf of ground floor area). APPLICATION NO. 2003/10/29/8851. FOR HEARING TODAY.

(13B) **APPEAL NO. 06-004**

JOYCE BOOK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	785 San Bruno Avenue. Protesting the issuance on December 20, 2005, to Joseph Bradford, Site Permit to Erect a Building (3-story, 2-unit residential building with 1,250sf of ground floor area). APPLICATION NO. 2003/10/29/8854S. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5-0 to uphold both permits with the following conditions: a) that revised plans be submitted showing the new elevations pursuant to the subject survey (with a copy to the appellant); and b) that the DBI plan checker take notice that a State permit is required from the Bay Area Air Quality Management District.

SPEAKERS: Joyce Book, appellant; Joseph Bradford, permit holder; Laurence Kornfield, DBI.

There being no further business, President Fung adjourned the meeting at 8:35 p.m.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter. TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, FEBRUARY 22, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS:

(3a) REHEARING REQUEST:

Subject property at 4201-4211 Judah Street. Letter from Andrew Zacks, attorney for Bhazubai Patel, Appellant, requesting rehearing of Appeal No(s). 97-165, Patel vs. ZA, decided Feb. 18, 1998. Upon motion by Commissioner Salgado, the Board voted 1-4 (President Cullum, Vice President McInerney, Commissioner Chin and Commissioner Schwartz dissented) to uphold the subject determination. Two votes are needed to uphold a departmental action, and thus the motion failed. Afterwards, upon motion by Commissioner Schwartz, the Board voted 3-2 (President Cullum and Commissioner Salgado dissented) to overrule the subject determination. Four votes being necessary to overturn any departmental action, the motion failed, and thus the subject determination was upheld. Then, on April 1, 1998, the Board considered the request for rehearing by the appellant. At that time, upon motion by Commissioner Salgado, the Board voted 2-3 (Vice President McInerney, Commissioner Chin and Commissioner Schwartz dissented) to deny the request for rehearing. Afterwards, upon motion by Vice President McInerney, the Board voted 3-2 to continue the matter to await action by the Superior Court. **Note: This matter was returned to the Call of the Chair at the request of both parties in October, 2002.**

(3b) ADOPTION OF FINDINGS:

Subject property at 1824 Baker Street. Appeal No(s). 05-191, Wynne vs. DBI, decided February 8, 2006. At that time, upon motion by Commissioner Sugaya, the Board voted 5-0 to overrule the denial, and grant the permit with findings to be adopted at a later date. Project: legalize conversion from 7 dwelling units to 2 dwelling units, B.P.A. No. 2003/10/03/6524.

(4) **APPEAL NO. 98-046**

GERARDO PINTO & MARIANNE RUDDY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT DISAPPROVAL	1506-08 Alabama Street. Denial on March 6, 1998, of permit to Alter a Building (legalize flat on ground floor; add windows in kitchen and living room; add fan and light in bathroom; provide fire wall and door between garage and flat). APPLICATION NO. 9802518S. PUBLIC HEARINGS HELD & CLOSED ON NOVEMBER 18, 1998 & FEBRUARY 17, 1999. FOR FURTHER CONSIDERATION TODAY. **Note: Returned to Call of Chair per Board motion on Oct. 30, 2002.**

(5) **APPEAL NO. 00-096**

TREVOR FOOKS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1623-1625 Noe Street. Zoning Administrator's determination dated June 13, 2000 that under the RH-2 zoning of the property, the illegal third basement unit of the two-unit building must be removed, and with certain alterations the space may remain habitable space as part of one of the two lawful units. PUBLIC HEARING HELD & CLOSED ON JULY 26, 2000. FOR FURTHER CONSIDERATION TODAY. **Note: Returned to Call of Chair per Board motion on Oct. 30, 2002.**

(6) **APPEAL NO. 01-040**

RICK HOLMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APPROVAL	445 Bryant Street. Protesting issuance on January 29, 2001, to Armax, Inc., Site Permit to Erect a Building (eight live/work units). APPLICATION NO. 2000/09/15/7935S. PUBLIC HEARING HELD & CLOSED ON MAR. 13, 2002 & JUNE 12, 2002. FOR FURTHER CONSIDERATION TODAY. **Note: Returned to Call of Chair at request of parties, and per Board motion on Oct. 30, 2002.**

(7) **APPEAL NO. 05-128**

JAMES WITHRINGTON dba "GO CAR RENTALS", Appellant(s) vs. POLICE DEPARTMENT, Respondent PLANNING DEPT. DISAPPROVAL	2715 Hyde Street. Appealing the denial on July 7, 2005, of a Driverless Auto Rental Permit (P02). PUBLIC HEARING HELD & CLOSED ON NOVEMBER 2, 2005. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow appellant time to research other possible options with the Planning Department.**

(8) **APPEAL NO. 05-174**

BING CHEUK LAW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	227-229 – 7th Avenue. Protesting the issuance on October 5, 2005, to Mikhail Kurgatnikov, Permit to Alter a Building (on 2-unit building: 1st floor remodel, bedroom and study; 2nd & 3rd floor remodel, kitchen and bathroom; add new bathrooms (interior remodeling); all work is within the existing envelope of building). APPLICATION NO. 2005/10/05/4858. PUBLIC HEARING HELD & CLOSED ON DEC. 7, 2005. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for permit holder to work with DBI Code Enforcement on stair (2nd means of egress) issue.**

ITEMS (9A) & (9B) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 05-200**

GUY CARSON, MICHAEL SIDLOW, & TOM LANGSTON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	744 Union Street #5. Protesting the issuance on November 23, 2005, to W.B. Coyle, Permit to Alter a Building (renew B.P.A. No. 2005/04/28/1102; on 6-unit apartment building; remodel kitchen and bath; repair/replace wood floors as necessary; refinish floor for entire apartment; replace damaged floor, less than 200sf; replace sink, appliances, counter tops and cabinets in kitchen; and replace tub, sink and toilet in bathroom). APPLICATION NO. 2005/11/23/8922. FOR HEARING TODAY.

(9B) **APPEAL NO. 05-201**

GUY CARSON, MICHAEL SIDLOW, & TOM LANGSTON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	744 Union Street #2. Protesting the issuance on November 23, 2005, to W.B. Coyle, Permit to Alter a Building (renew B.P.A. No. 2005/04/28/1105; on 6-unit apartment building; remodel kitchen and bath; repair/replace wood floors as necessary; refinish floor for entire apartment; replace damaged floor, less than 200sf; replace sink, appliances, counter tops and cabinets in kitchen; and replace tub, sink and toilet in bathroom). APPLICATION NO. 2005/11/23/8924. FOR HEARING TODAY.

ITEMS (10A) & (10B) SHALL BE HEARD TOGETHER:

(10A) **APPEAL NO. 06-005**

DEAN DYER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	296 Dalewood Way. Protesting the issuance on December 21, 2005, to Sandra Waugh Palmero, Permit to Alter a Building (on single-family house: new retaining wall in rear yard, maximum height at 7' – 0"). APPLICATION NO. 2005/09/27/3979. FOR HEARING TODAY.

(10B) **APPEAL NO. 06-006**

DEAN DYER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	292 Dalewood Way. Protesting the issuance on December 21, 2005, to James Wempe, Permit to Alter a Building (on single-family house: new retaining wall in rear yard, maximum height at 7' – 0"). APPLICATION NO. 2005/09/27/3974. FOR HEARING TODAY.

(11) **APPEAL NO. 06-007**

MICHAEL ROSENBERG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1366 San Bruno Avenue. Protesting the issuance on January 5, 2006, to Frank Stonich, Permit to Demolish a Building (one-story structure, storage-use, with 425sf of ground floor area). APPLICATION NO. 2005/11/22/8839. FOR HEARING TODAY.

ADJOURNMENT.

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Date posted: **February 16, 2006**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	PRESIDENT
RANDALL KNOX	VICE PRESIDENT
KATHARINE ALBRIGHT	COMMISSIONER
MICHAEL GARCIA	COMMISSIONER
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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, FEBRUARY 22, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Randall Knox, Commissioner Katharine Albright, Commissioner Michael Garcia, and Commissioner Hisashi Sugaya.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Jonas Ionin, Senior Planner, Planning Department (PD); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) PUBLIC COMMENT:

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SPEAKERS: None.

(2) COMMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

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(3) ADDENDUM ITEMS:

(3a) REHEARING REQUEST:

Subject property at 4201-4211 Judah Street. Letter from Andrew Zacks, attorney for Bhazubai Patel, Appellant, requesting rehearing of Appeal No(s). 97-165, Patel vs. ZA, decided Feb. 18, 1998. Upon motion by Commissioner Salgado, the Board voted 1-4 (President Cullum, Vice President McInerney, Commissioner Chin and Commissioner Schwartz dissented) to uphold the subject determination. Two votes are needed to uphold a departmental action, and thus the motion failed. Afterwards, upon motion by Commissioner Schwartz, the Board voted 3-2 (President Cullum and Commissioner Salgado dissented) to overrule the subject determination. Four votes being necessary to overturn any departmental action, the motion failed, and thus the subject determination was upheld. Then, on April 1, 1998, the Board considered the request for rehearing by the appellant. At that time, upon motion by Commissioner Salgado, the Board voted 2-3 (Vice President McInerney, Commissioner Chin and Commissioner Schwartz dissented) to deny the request for rehearing. Afterwards, upon motion by Vice President McInerney, the Board voted 3-2 to continue the matter to await action by the Superior Court. **Note: This matter was returned to the Call of the Chair at the request of both parties in October, 2002.**

ACTION: Upon motion by Vice President Knox, the Board voted 5-0 to continue the matter to April 26, 2006.

SPEAKERS: Jonas Ionin, PD; Andrew Zacks, attorney for appellant.

(3b) ADOPTION OF FINDINGS:

Subject property at 1824 Baker Street. Appeal No(s). 05-191, Wynne vs. DBI, decided February 8, 2006. At that time, upon motion by Commissioner Sugaya, the Board voted 5-0 to overrule the denial, and grant the permit with findings to be adopted at a later date. Project: legalize conversion from 7 dwelling units to 2 dwelling units, B.P.A. No. 2003/10/03/6524.

ACTION: Upon motion by President Fung, the Board voted 5-0 to reschedule the matter to March 1, 2006.

SPEAKERS: Jeremy Paul, agent for appellant; Laurence Kornfield, DBI.

(4) APPEAL NO. 98-046

GERARDO PINTO & MARIANNE RUDDY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT DISAPPROVAL	1506-08 Alabama Street. Denial on March 6, 1998, of permit to Alter a Building (legalize flat on ground floor; add windows in kitchen and living room; add fan and light in bathroom; provide fire wall and door between garage and flat). APPLICATION NO. 9802518S. PUBLIC HEARINGS HELD & CLOSED ON NOVEMBER 18, 1998 & FEBRUARY 17, 1999. FOR FURTHER CONSIDERATION TODAY. **Note: Returned to Call of Chair per Board motion on Oct. 30, 2002.**

ACTION: Upon motion by Commissioner Albright, the Board voted 5-0 to continue the matter to March 22, 2006.

SPEAKERS: Gerardo Pinto, co-appellant; Laurence Kornfield, DBI; Jonas Ionin, PD.

(5) **APPEAL NO. 00-096**

TREVOR FOOKS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1623-1625 Noe Street. Zoning Administrator's determination dated June 13, 2000 that under the RH-2 zoning of the property, the illegal third basement unit of the two-unit building must be removed, and with certain alterations the space may remain habitable space as part of one of the two lawful units. PUBLIC HEARING HELD & CLOSED ON JULY 26, 2000. FOR FURTHER CONSIDERATION TODAY. **Note: Returned to Call of Chair per Board motion on Oct. 30, 2002.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to uphold the determination.

SPEAKERS: None. Appellant did not appear.

(6) **APPEAL NO. 01-040**

RICK HOLMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APPROVAL	445 Bryant Street. Protesting issuance on January 29, 2001, to Armax, Inc., Site Permit to Erect a Building (eight live/work units). APPLICATION NO. 2000/09/15/7935S. PUBLIC HEARING HELD & CLOSED ON MAR. 13, 2002 & JUNE 12, 2002. FOR FURTHER CONSIDERATION TODAY. **Note: Returned to Call of Chair at request of parties, and per Board motion on Oct. 30, 2002.**

ACTION: Upon motion by Vice President Knox, the Board voted 5-0 to revoke the permit.

SPEAKERS: Jonas Ionin, PD; appellant and permit holder did not appear.

(7) **APPEAL NO. 05-128**

JAMES WITHRINGTON dba "GO CAR RENTALS", Appellant(s) vs. POLICE DEPARTMENT, Respondent PLANNING DEPT. DISAPPROVAL	2715 Hyde Street. Appealing the denial on July 7, 2005, of a Driverless Auto Rental Permit (P02). PUBLIC HEARING HELD & CLOSED ON NOVEMBER 2, 2005. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow appellant time to research other possible options with the Planning Department.**

ACTION: Upon motion by Vice President Knox, the Board voted 5-0 to continue the matter to March 22, 2006.

SPEAKERS: Jeremy Paul, agent for appellant; Jonas Ionin, PD.

(8) **APPEAL NO. 05-174**

BING CHEUK LAW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	227-229 – 7th Avenue. Protesting the issuance on October 5, 2005, to Mikhail Kurgatnikov, Permit to Alter a Building (on 2-unit building: 1st floor remodel, bedroom and study; 2nd & 3rd floor remodel, kitchen and bathroom; add new bathrooms (interior remodeling); all work is within the existing envelope of building). APPLICATION NO. 2005/10/05/4858. PUBLIC HEARING HELD & CLOSED ON DEC. 7, 2005. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for permit holder to work with DBI Code Enforcement on stair (2nd means of egress) issue.**

ACTION: Rescheduled prior to hearing to March 29, 2006 with the written agreement of all parties.

SPEAKERS: None.

ITEMS (9A) & (9B) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 05-200**

GUY CARSON, MICHAEL SIDLOW, & TOM LANGSTON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	744 Union Street #5. Protesting the issuance on November 23, 2005, to W.B. Coyle, Permit to Alter a Building (renew B.P.A. No. 2005/04/28/1102; on 6-unit apartment building; remodel kitchen and bath; repair/replace wood floors as necessary; refinish floor for entire apartment; replace damaged floor, less than 200sf; replace sink, appliances, counter tops and cabinets in kitchen; and replace tub, sink and toilet in bathroom). APPLICATION NO. 2005/11/23/8922. FOR HEARING TODAY.

(9B) **APPEAL NO. 05-201**

GUY CARSON, MICHAEL SIDLOW, & TOM LANGSTON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	744 Union Street #2. Protesting the issuance on November 23, 2005, to W.B. Coyle, Permit to Alter a Building (renew B.P.A. No. 2005/04/28/1105; on 6-unit apartment building; remodel kitchen and bath; repair/replace wood floors as necessary; refinish floor for entire apartment; replace damaged floor, less than 200sf; replace sink, appliances, counter tops and cabinets in kitchen; and replace tub, sink and toilet in bathroom). APPLICATION NO. 2005/11/23/8924. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5-0 to uphold both permits on condition that work hours be limited to M-F, 9am to 5pm, with no work on holidays, and on condition that the common areas be kept clean.

SPEAKERS: Dean Preston, attorney for appellants; WB Coyle, permit holder.

ITEMS (10A) & (10B) SHALL BE HEARD TOGETHER:

(10A) **APPEAL NO. 06-005**

DEAN DYER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	296 Dalewood Way. Protesting the issuance on December 21, 2005, to Sandra Waugh Palmero, Permit to Alter a Building (on single-family house: new retaining wall in rear yard, maximum height at 7' – 0"). APPLICATION NO. 2005/09/27/3979. FOR HEARING TODAY.

(10B) **APPEAL NO. 06-006**

DEAN DYER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	292 Dalewood Way. Protesting the issuance on December 21, 2005, to James Wempe, Permit to Alter a Building (on single-family house: new retaining wall in rear yard, maximum height at 7' – 0"). APPLICATION NO. 2005/09/27/3974. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 5-0 to reschedule both matters to April 19, 2006.

SPEAKERS: Laurence Kornfield, DBI; Richard Grabstein, attorney for appellant; Leslie Johnson, attorney for permit holders.

(11) **APPEAL NO. 06-007**

MICHAEL ROSENBERG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1366 San Bruno Avenue. Protesting the issuance on January 5, 2006, to Frank Stonich, Permit to Demolish a Building (one-story structure, storage-use, with 425sf of ground floor area). APPLICATION NO. 2005/11/22/8839. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Knox, the Board voted 5-0 to uphold the permit.

SPEAKERS: Michael Rosenberg, appellant; Amy Craven, for appellant; Harrison Nam, attorney for permit holder; Laurence Kornfield, DBI; Jonas Ionin, PD; Frank Stonich, permit holder.

There being no further business, President Fung adjourned the meeting at 7:12 p.m.

Robert H. Feldman, Executive Secretary

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MARCH 1, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

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(2) COMMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS:

(3a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 446 Urbano Drive. Permit issued on December 2, 2005. Last day to appeal was December 19, 2005. Jurisdiction request received February 13, 2006. Letter from Mary Porter & Lindbergh Porter Jr., requestors, asking that the Board take jurisdiction over Building Permit Application No. 2005/12/02/9406. Permit Holders: Xue Yuan Jiang, & Beverly Jing Kuang. Project: on single-family house, add family room, full bath, and 6 bedrooms with 6 half baths on ground floor per plan; day care for 6 persons only; cannot prove the room on ground floor is legal, and therefore will pay the entire ground floor room school fee.

(3b) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 432 Geary Street. Permit denied on August 9, 2005. Last day to appeal was August 24, 2005. Jurisdiction request received February 13, 2006. Letter from Brendan Hallinan, attorney for Michael Patel, requestor, asking that the Board take jurisdiction over the denial of Building Permit Application No. 2002/02/01/8317. Project: new sign, non-electric, wall, single-faced, painted wall.

(3c) ADOPTION OF FINDINGS:

Subject property at 1824 Baker Street. Appeal No(s). 05-191, Wynne vs. DBI, decided February 8, 2006. At that time, upon motion by Commissioner Sugaya, the Board voted 5-0 to overrule the denial, and grant the permit with findings to be adopted at a later date. Project: legalize conversion from 7 dwelling units to 2 dwelling units, B.P.A. No. 2003/10/03/6524.

(4) **APPEAL NO. 06-009**

THEODORAS KOLIATSIS dba "4th & GEARY FARMERS MARKET", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	3931 Geary Boulevard. Appealing the revocation on October 26, 2005, of a Merchandise Display Permit. PERMIT NO. 05D-0001. JURISDICTION GRANTED JAN. 11, 2006. FOR HEARING TODAY.

(5) **APPEAL NO. 05-190**

PAUL BISAILLON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: ALICE LAM	2549 Post Street. Appealing the denial on November 7, 2005, of Permit to Alter a Building (on 3-unit apartment building: install new ¾ hour fire rated fixed windows on east side of property wall; revision to Building Permit Application No. 2004/09/24/5144). APPLICATION NO. 2004/10/14/6841. FOR HEARING TODAY.

(6) **APPEAL NO. 05-202**

JOHN TYNAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1960, 1980-1998 Golden Gate Avenue. Protesting the issuance on November 23, 2005, to Prana Eight Properties LLC, Permit to Alter a Building (on 12-unit apt. building: response to NOV No. 200338880; remove 2 illegal ground floor dwelling units; remove defective bathroom on 1st floor; remove existing defective rear exit stair and deck; provide new required exit with fire-escape per "local equivalency"; provide new kitchen and bathroom for existing 4th floor apartments). APPLICATION NO. 2003/12/02/1446. FOR HEARING TODAY.

(7) **APPEAL NO. 06-008**

VADIM & IRINA GORODETSKIY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2423 – 24th Avenue. Protesting the issuance on January 3, 2006, to Vincent Hang, Permit to Alter a Building (on single-family house: install wood deck and stair at rear yard; less than 10 feet above grade). APPLICATION NO. 2006/01/03/1363. FOR HEARING TODAY.

ADJOURNMENT.

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Date posted: **February 23, 2006**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	**PRESIDENT**
RANDALL KNOX	**VICE PRESIDENT**
KATHARINE ALBRIGHT	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
HISASHI B. SUGAYA	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER – TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net. THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MARCH 1, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Randall Knox, Commissioner Katharine Albright, Commissioner Michael Garcia, and Commissioner Hisashi Sugaya.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Jonas Ionin, Senior Planner, Planning Department (PD); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Sharyn Loeb.

(2) COMMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

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(3) ADDENDUM ITEMS:

(3a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 446 Urbano Drive. Permit issued on December 2, 2005. Last day to appeal was December 19, 2005. Jurisdiction request received February 13, 2006. Letter from Mary Porter & Lindbergh Porter Jr., requestors, asking that the Board take jurisdiction over Building Permit Application No. 2005/12/02/9406. Permit Holders: Xue Yuan Jiang, & Beverly Jing Kuang. Project: on single-family house, add family room, full bath, and 6 bedrooms with 6 half baths on ground floor per plan; day care for 6 persons only; cannot prove the room on ground floor is legal, and therefore will pay the entire ground floor room school fee.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to continue the matter to March 22, 2006, with the public hearing closed.

SPEAKERS: Lindbergh Porter Jr., co-requestor; Beverly Jing Kuang, permit holder; Jonas Ionin, PD; Laurence Kornfield, DBI; Sandy Arata Gandolfo, Leslie Plack, David Hoiem, Jim Schneider, Barnard Johnson, Norman Meunier, Erik Lind, and Gary West, for requestors.

(3b) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 432 Geary Street. Permit denied on August 9, 2005. Last day to appeal was August 24, 2005. Jurisdiction request received February 13, 2006. Letter from Brendan Hallinan, attorney for Michael Patel, requestor, asking that the Board take jurisdiction over the denial of Building Permit Application No. 2002/02/01/8317. Project: new sign, non-electric, wall, single-faced, painted wall.

ACTION: Upon motion by Commissioner Albright, the Board voted 5-0 to grant the jurisdiction request.

SPEAKERS: Brendan Hallinan, attorney for requestor; Jonas Ionin, PD; Laurence Kornfield, DBI.

(3c) ADOPTION OF FINDINGS:

Subject property at 1824 Baker Street. Appeal No(s). 05-191, Wynne vs. DBI, decided February 8, 2006. At that time, upon motion by Commissioner Sugaya, the Board voted 5-0 to overrule the denial, and grant the permit with findings to be adopted at a later date. Project: legalize conversion from 7 dwelling units to 2 dwelling units, B.P.A. No. 2003/10/03/6524.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to adopt the findings as amended.

SPEAKERS: Jeremy Paul, agent for appellant(s).

(4) APPEAL NO. 06-009

THEODORAS KOLIATSIS dba "4th & GEARY FARMERS MARKET", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	3931 Geary Boulevard. Appealing the revocation on October 26, 2005, of a Merchandise Display Permit. PERMIT NO. 05D-0001. JURISDICTION GRANTED JAN. 11, 2006. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Knox, the Board voted 5-0 to overrule the revocation, and instead impose a 6-month suspension to begin retroactively on Oct. 26, 2005.

SPEAKERS: John Kwong, DPW BSM; Yannoula Koliatsis, agent for appellant; Stoudane Barkouki, and Lawrence Israel, for appellant.

(5) **APPEAL NO. 05-190**

PAUL BISAILLON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: ALICE LAM	2549 Post Street. Appealing the denial on November 7, 2005, of Permit to Alter a Building (on 3-unit apartment building: install new ¾ hour fire rated fixed windows on east side of property wall; revision to Building Permit Application No. 2004/09/24/5144). APPLICATION NO. 2004/10/14/6841. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 3-2 (President Fung, and Vice President Knox dissented) to overrule the revocation and grant the permit. Four votes being required to overrule a departmental action, the denial was upheld.

SPEAKERS: Jonas Ionin, PD; Paul Bisaillon, appellant; Joseph Breall, attorney for section 14 party; Cynthia Baroumand, attorney for appellant.

(6) **APPEAL NO. 05-202**

JOHN TYNAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1960, 1980-1998 Golden Gate Avenue. Protesting the issuance on November 23, 2005, to Prana Eight Properties LLC, Permit to Alter a Building (on 12-unit apt. building: response to NOV No. 200338880; remove 2 illegal ground floor dwelling units; remove defective bathroom on 1st floor; remove existing defective rear exit stair and deck; provide new required exit with fire-escape per "local equivalency"; provide new kitchen and bathroom for existing 4th floor apartments). APPLICATION NO. 2003/12/02/1446. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 5-0 to reschedule the matter to March 22, 2006.

SPEAKERS: Jonas Ionin, PD; Raquel Fox, attorney for appellant; Curtis Dowling, attorney for permit holder.

(7) **APPEAL NO. 06-008**

VADIM & IRINA GORODETSKIY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2423 – 24th Avenue. Protesting the issuance on January 3, 2006, to Vincent Hang, Permit to Alter a Building (on single-family house: install wood deck and stair at rear yard; less than 10 feet above grade). APPLICATION NO. 2006/01/03/1363. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to uphold the permit.

SPEAKERS: Vadim Gorodetskiy, co-appellant; Irina Gorodetskiy, co-appellant; Kris Wen, architect for permit holder; Jonas Ionin, PD; Vincent Hang, permit holder.

There being no further business, President Fung adjourned the meeting at 8:30 p.m.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter. TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MARCH 15, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMMISSIONERS COMMENTS & QUESTIONS:

(3) PROPOSED DEPARTMENTAL BUDGET, FY 2006-2007:

For public hearing, discussion, and adoption.

3-10-07P03:14 RCVD

(4) ADDENDUM ITEMS:

(4a) REHEARING REQUEST:

Subject property at 60 Clarendon Avenue. Letter from Eric McFarland, attorney for Gaetano Zanelli, appellant, requesting rehearing of Appeal No. 06-002, Zanelli vs. DBI, PDA, decided February 15, 2006. At that time, upon motion by Commissioner Sugaya, the Board voted 5-0 to uphold the permit. Permit Holder: Tom McGrath. Project: erect a 4-story single-family house, BPA No. 2004/04/22/2053S.

(5) APPEAL NO. 05-167

BAY CAB COMPANY, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing a Notice of Decision dated September 26, 2005, that orders the payment of all fines, abatement of all violations within 3 months, and the imposition of a 1-year probation. RESOLUTION NO. 2005-60. FOR HEARING TODAY.

(6) **APPEAL NO. 05-196**

CHEUK YEUNG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: DAVID & LORRAINE BLEIMAN	231 Ortega Street. Appealing the denial on November 29, 2005, of Site Permit to Alter a Building (on single-family house: construct 3-story addition to rear of existing 2-story building). APPLICATION NO. 2004/10/05/6033S. PUBLIC HEARING HELD AND CLOSED ON JANUARY 18, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for permit holder to submit revised plans pursuant to the Board's comments.**

(7) **APPEAL NO. 05-210**

UNITED TAXICAB WORKERS, Appellant(s) vs. TAXI COMMISSION, Respondent Real Party in Interest: VETERANS CAB CO.	Appealing a settlement agreement concerning 25 taxi medallions held by Veteran's Cab Co. (Medallion Nos. 193, 194, 204, 205, 209, 210, 213 - 216, 220, 222 - 230, 236, 240, 248, 249 and 275. JURISDICTION GRANTED DEC. 7, 2005. FOR HEARING TODAY.

(8) **APPEAL NO. 05-213**

HOWARD HSU dba "HOLLYWOOD BILLIARDS / CLUB Q", Appellant(s) vs. ENTERTAINMENT COMMISSION, Respondent	1028 Market St. / 61 Golden Gate Ave. Appealing the denial on December 13, 2005, of Place of Entertainment Permit, Extended-Hours Premises Permit and Billiards Permit. APPLICATION NO. EC-705. FOR HEARING TODAY.

(9) **APPEAL NO. 06-010**

LOIS KIM dba "3rd AVENUE FOOD MART", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	4101 California Street. Appealing a 10-day suspension of a Tobacco Product Sales Establishment Permit, imposed on January 12, 2006. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-06-002. FOR HEARING TODAY.

(10) **APPEAL NO. 06-011**

WAY CHIN dba "ARCO-GENEVA GAS", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1200 Geneva Avenue. Appealing a 10-day suspension of a Tobacco Product Sales Establishment Permit, imposed on January 12, 2006. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-06-003. FOR HEARING TODAY.

(11) **APPEAL NO. 06-012**

MONICA MA & KWAI NG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1450 – 24th Avenue. Protesting the issuance on January 13, 2006, to Hoc & Marian Cua, Permit to Alter a Building (remodel single-family house into a 6-bed residential care home). APPLICATION NO. 2005/09/26/3858. FOR HEARING TODAY.

(12) **APPEAL NO. 06-013**

ANN GARCIA & DAVID GARCIA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	189 Lower Terrace. Protesting the issuance on January 12, 2006, to Isam Dughman, Permit to Alter a Building (on 2-unit building: property line windows; request for approval of local equivalency; to comply with NOV No. 200665980). APPLICATION NO. 2006/01/12/2036. FOR HEARING TODAY.

(13) **APPEAL NO. 06-014**

MALANA MOBERG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	869 North Point Street. Protesting the issuance on January 5, 2006, to North Point Holdings LLC, Permit to Demolish a Building (2-story, single-family house with 1,000sf of ground floor area). APPLICATION NO. 2005/01/24/3844. FOR HEARING TODAY.

(14) **APPEAL NO. 06-015**

SUNRISE SENIOR DEVELOPMENT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2420 Sutter Street. Appealing a determination dated January 6, 2006, addressed to Steven Vettel at Morrison & Foerster LLP, that the proposed dementia special care facility is a residential care facility, and a housing project subject to the inclusionary housing requirements of Planning Code § 315. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **March 9, 2006**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	**PRESIDENT**
RANDALL KNOX	**VICE PRESIDENT**
KATHARINE ALBRIGHT	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
HISASHI B. SUGAYA	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER – TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net. THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber.
TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MARCH 15, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Randall Knox, Commissioner Katharine Albright, Commissioner Michael Garcia, and Commissioner Hisashi Sugaya.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Jonas Ionin, Senior Planner, Planning Department (PD); Leo McFadden, Senior Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Sharyn Loeb; Kevin Reed.

(2) COMMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

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(3) PROPOSED DEPARTMENTAL BUDGET, FY 2006-2007:

For public hearing, discussion, and adoption.

ACTION: Upon motion by Vice President Knox, the Board voted 5-0 to reschedule the matter to March 22, 2006.

SPEAKERS: None.

(4) ADDENDUM ITEMS:

(4a) REHEARING REQUEST:

Subject property at 60 Clarendon Avenue. Letter from Eric McFarland, attorney for Gaetano Zanelli, appellant, requesting rehearing of Appeal No. 06-002, Zanelli vs. DBI, PDA, decided February 15, 2006. At that time, upon motion by Commissioner Sugaya, the Board voted 5-0 to uphold the permit. Permit Holder: Tom McGrath. Project: erect a 4-story single-family house, BPA No. 2004/04/22/2053S.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to deny the request for rehearing.

SPEAKERS: None. Appellant and permit holder did not appear.

(5) APPEAL NO. 05-167

BAY CAB COMPANY, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing a Notice of Decision dated September 26, 2005, that orders the payment of all fines, abatement of all violations within 3 months, and the imposition of a 1-year probation. RESOLUTION NO. 2005-60. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Knox, the Board voted 5-0 to uphold the notice of decision.

SPEAKERS: Heidi Machen, Taxi Commission; Sgt. Vince Simpson, SFPD; Roger Cardenas, agent for appellant; Mark Gruberg, and Marshall Childs, for Taxi Commission.

(6) APPEAL NO. 05-196

CHEUK YEUNG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: DAVID & LORRAINE BLEIMAN	231 Ortega Street. Appealing the denial on November 29, 2005, of Site Permit to Alter a Building (on single-family house: construct 3-story addition to rear of existing 2-story building). APPLICATION NO. 2004/10/05/6033S. PUBLIC HEARING HELD AND CLOSED ON JANUARY 18, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for permit holder to submit revised plans pursuant to the Board's comments.**

ACTION: Rescheduled to March 29, 2006 prior to hearing.

SPEAKERS: None.

(7) **APPEAL NO. 05-210**

UNITED TAXICAB WORKERS, Appellant(s) vs. TAXI COMMISSION, Respondent Real Party in Interest: VETERANS CAB CO.	Appealing a settlement agreement concerning 25 taxi medallions held by Veteran's Cab Co. (Medallion Nos. 193, 194, 204, 205, 209, 210, 213 - 216, 220, 222 - 230, 236, 240, 248, 249 and 275. JURISDICTION GRANTED DEC. 7, 2005. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 3-2 (Vice President Knox and Commissioner Sugaya dissented) to uphold the settlement.

SPEAKERS: Tom Owen, Taxi Commission; Mark Gruberg, agent for appellant; Wayne Canterbury, attorney for Veterans Cab Co.; Brad Newsham, Francis Menconeri, Marshall Childs, Barry Korengold, David Barlow, Emile Lawrence, Rua Graffis, and Barry Taranto, for Taxi Commission; Doug Engmann, Dan Hinds, and Michael Spain, for Taxi Commission.

(8) **APPEAL NO. 05-213**

HOWARD HSU dba "HOLLYWOOD BILLIARDS / CLUB Q", Appellant(s) vs. ENTERTAINMENT COMMISSION, Respondent	1028 Market St. / 61 Golden Gate Ave. Appealing the denial on December 13, 2005, of Place of Entertainment Permit, Extended-Hours Premises Permit and Billiards Permit. APPLICATION NO. EC-705. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to reschedule the matter to May 3, 2006 at the written request of the parties.

SPEAKERS: None.

(9) **APPEAL NO. 06-010**

LOIS KIM dba "3rd AVENUE FOOD MART", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	4101 California Street. Appealing a 10-day suspension of a Tobacco Product Sales Establishment Permit, imposed on January 12, 2006. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-06-002. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Albright, the Board voted 5-0 to uphold the 10-day suspension.

SPEAKERS: Cecilia Mangoba, attorney for DPH; Robert Ziegler, SFPD; Lois Kim, appellant; Howard Hau, for appellant.

(10) **APPEAL NO. 06-011**

WAY CHIN dba "ARCO-GENEVA GAS", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1200 Geneva Avenue. Appealing a 10-day suspension of a Tobacco Product Sales Establishment Permit, imposed on January 12, 2006. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-06-003. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to recuse Vice President Knox; afterwards, upon motion by Commissioner Garcia, the Board voted 4-0-1 (Vice President Knox recused) to uphold the 10-day suspension.

SPEAKERS: Cecilia Mangoba, attorney for DPH; Robert Ziegler, SFPD; Amy Hom, agent for appellant.

(11) **APPEAL NO. 06-012**

MONICA MA & KWAI NG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1450 – 24th Avenue. Protesting the issuance on January 13, 2006, to Hoc & Marian Cua, Permit to Alter a Building (remodel single-family house into a 6-bed residential care home). APPLICATION NO. 2005/09/26/3858. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to uphold the permit.

SPEAKERS: Monica Ma, co-appellant; Marian Cua, permit holder; Sandra Cirie, Gerard Ehrmann, Ana Ma, Lydia Lee, Sandra Yee, Janet Ng, Willie Ng, Jian You Chen, Jie-Man Lin, Nick Footracer, Jacob Johnson, Suzi Kwar, for appellants; Jonas Ionin, PD; Kwai Ng, co-appellant; Caroline Cua, daughter of permit holder.

(12) **APPEAL NO. 06-013**

ANN GARCIA & DAVID GARCIA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	189 Lower Terrace. Protesting the issuance on January 12, 2006, to Isam Dughman, Permit to Alter a Building (on 2-unit building: property line windows; request for approval of local equivalency; to comply with NOV No. 200665980). APPLICATION NO. 2006/01/12/2036. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to uphold the permit.

SPEAKERS: Ann Garcia, co-appellant; David Garcia, co-appellant; Ahmad Larizadeh, agent for permit holder; Leo McFadden, DBI.

(13) **APPEAL NO. 06-014**

MALANA MOBERG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	869 North Point Street. Protesting the issuance on January 5, 2006, to North Point Holdings LLC, Permit to Demolish a Building (2-story, single-family house with 1,000sf of ground floor area). APPLICATION NO. 2005/01/24/3844. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Albright, the Board voted 5-0 to reschedule the matter to Call of Chair pending the resolution of the CEQA appeal at the Board of Supervisors.

SPEAKERS: David Cincotta, attorney for permit holder.

(14) **APPEAL NO. 06-015**

SUNRISE SENIOR DEVELOPMENT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2420 Sutter Street. Appealing a determination dated January 6, 2006, addressed to Steven Vettel at Morrison & Foerster LLP, that the proposed dementia special care facility is a residential care facility, and a housing project subject to the inclusionary housing requirements of Planning Code § 315. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 5-0 to continue the matter to June 7, 2006, with the public hearing closed.

SPEAKERS: Jonas Ionin, PD; Steven Vettel, attorney for appellant; Allen Jergesen, attorney for appellant; Daniel Zemanek, agent for appellant,

There being no further business, President Fung adjourned the meeting at 11:12 p.m.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter. TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MARCH 22, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

NOTE: ITEM 1, CLOSED SESSION SHALL TAKE PLACE BETWEEN 5:00PM – 5:30PM; REGULAR AGENDA, ITEMS 2 - 11 SHALL BEGIN AT 5:30PM.

(1) **CLOSED SESSION ON EXISTING LITIGATION:** 2623 Pacific LLC, Paul Chow v. City and County of San Francisco et al., San Francisco, Superior Court Case No. 505-993

A. Public comment on all matters pertaining to the closed session.

B. Vote on whether to hold closed session to confer with legal counsel regarding pending litigation, 2623 Pacific LLC, Paul Chow v. City and County of San Francisco et al., San Francisco, Superior Court Case No. 505-993 (filed January 13, 2006) relating to denial of a request for a dwelling unit merger from five units to one single family dwelling. (SF Administrative Code § 67.10(d)(1))

C. Conference with legal counsel in closed session. (CA Gov't. Code §§ 54956.9(a); SF Administrative Code § 67.10(d)(1).)

D. Reconvene in open session:

1. Report on action taken in closed session, if any, and the vote thereon. (CA Government Code § 54957.1(a); SF Administrative Code § 67.12(b)(2).)

2. Vote to elect whether to disclose any portion of the discussions held in closed session that is not confidential and possible report thereon. (SF Administrative Code § 67.12(a).)

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(2) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(3) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(4) PROPOSED DEPARTMENTAL BUDGET, FY 2006-2007:

For public hearing, discussion, and adoption.

(5) ADDENDUM ITEMS:

(5a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 446 Urbano Drive. Permit issued on December 2, 2005. Last day to appeal was December 19, 2005. Jurisdiction request received February 13, 2006. Letter from Mary Porter & Lindbergh Porter Jr., requestors, asking that the Board take jurisdiction over Building Permit Application No. 2005/12/02/9406. Permit Holders: Xue Yuan Jiang, & Beverly Jing Kuang. Project: on single-family house, add family room, full bath, and 6 bedrooms with 6 half baths on ground floor per plan; day care for 6 persons only; cannot prove the room on ground floor is legal, and therefore will pay the entire ground floor room school fee. **Note: the public hearing on this jurisdiction request was held and closed on March 1, 2006. Matter continued to allow time for further review of project by DBI and Planning staff.**

(5b) REHEARING REQUEST:

Subject property at 1366 San Bruno Avenue. Letter from Michael Rosenberg, appellant, requesting rehearing of Appeal No. 06-007, Rosenberg vs. DBI, PDA, decided February 22, 2006. At that time, upon motion by Vice President Knox, the Board voted 5-0 to uphold the permit. Permit Holder: Frank Stonich. Project: demolish a one-story structure, storage-use, with 425sf of ground floor area, BPA No. 2005/11/22/8839.

(5c) REHEARING REQUEST:

Subject property at 1740 Filbert Street. Letter from Amy McDougall, appellant(s), requesting rehearing of Appeal No(s). 05-064/065, McDougall vs. DBI, PDD, decided June 8, 2005. At that time, upon motion by Commissioner Saunders, the Board voted 5-0 to uphold the denial of both permits by the Planning Department. Project, 1st permit: demolish a single-story building with 320sf of ground floor area, BPA No. 2004/12/02/0582. Project, 2nd permit: construction of a 4-story single-family dwelling with 1,224sf of ground floor area, BPA No. 2004/12/02/0571S.

(6) APPEAL NO. 06-016

YUWADEE LIMDULPAIBOON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1407 – 34th Avenue. Appealing the imposition of penalty on January 26, 2006, for work done without a permit (on 2-unit building: remodel kitchen and bathroom; per NOV No. 200666225). APPLICATION NO. 2006/01/17/2308. FOR HEARING TODAY.

(7) **APPEAL NO. 06-023**

LILY STOYANOVSKI, Appellant(s) vs. ENTERTAINMENT COMMISSION, Respondent	580 Sutter Street. Protesting the issuance on February 9, 2006, to Clint Worden dba "Lucid Gallery", Place of Entertainment Permit. PERMIT NO. EC-782. FOR HEARING TODAY.

(8) **APPEAL NO. 05-202**

JOHN TYNAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1960, 1980-1998 Golden Gate Avenue. Protesting the issuance on November 23, 2005, to Prana Eight Properties LLC, Permit to Alter a Building (on 12-unit apt. building: response to NOV No. 200338880; remove 2 illegal ground floor dwelling units; remove defective bathroom on 1st floor; remove existing defective rear exit stair and deck; provide new required exit with fire-escape per "local equivalency"; provide new kitchen and bathroom for existing 4th floor apartments). APPLICATION NO. 2003/12/02/1446. FOR HEARING TODAY.

(9) **APPEAL NO. 98-046**

GERARDO PINTO & MARIANNE RUDDY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT DISAPPROVAL	1506-08 Alabama Street. Denial on March 6, 1998, of permit to Alter a Building (legalize flat on ground floor; add windows in kitchen and living room; add fan and light in bathroom; provide fire wall and door between garage and flat). APPLICATION NO. 9802518S. PUBLIC HEARINGS HELD & CLOSED ON NOVEMBER 18, 1998 & FEBRUARY 17, 1999. FOR FURTHER CONSIDERATION TODAY. **Note: Returned to Call of Chair per Board motion on Oct. 30, 2002; on Feb. 22, 2006, the Board continued the matter again to allow time for the appellant to notify his tenants of the Board's intent to decide the appeal.**

(10) APPEAL NO. 03-020

DIMAS & BLANCA OLIVA, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	230 Rhine Street. Appealing a Notice of Violation dated Jan. 28, 2003, that a 2nd stove and kitchen has been installed in the rear building at the subject property, which constitutes the establishment of a 2nd dwelling unit, in violation of Planning Code § 209.1(b); and that a pre-existing car port has been expanded, in violation of Planning Code § 181.1. PUBLIC HEARING HELD & CLOSED ON APRIL 9, 2003. FOR FURTHER CONSIDERATION TODAY. **Note: Matter rescheduled to Call of the Chair so that DBI & Planning can perform a site visit to ascertain life/safety issues, as well as issues concerning original construction versus recent construction, with a report from said departments at a later date.**

(11) APPEAL NO. 05-128

JAMES WITHRINGTON dba "GO CAR RENTALS", Appellant(s) vs. POLICE DEPARTMENT, Respondent PLANNING DEPT. DISAPPROVAL	2715 Hyde Street. Appealing the denial on July 7, 2005, of a Driverless Auto Rental Permit (P02). PUBLIC HEARING HELD & CLOSED ON NOVEMBER 2, 2005. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow appellant time to research other possible options with the Planning Department.**

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **March 16, 2006**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	**PRESIDENT**
RANDALL KNOX	**VICE PRESIDENT**
KATHARINE ALBRIGHT	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
HISASHI B. SUGAYA	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER – TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net. THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber.
TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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DEPARTMENT 41

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MARCH 22, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Randall Knox, Commissioner Katharine Albright, Commissioner Michael Garcia, and Commissioner Hisashi Sugaya.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Lawrence Badiner, Zoning Administrator and Jonas Ionin, Senior Planner, Planning Department (PD); Leo McFadden, Senior Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

NOTE: ITEM 1, CLOSED SESSION SHALL TAKE PLACE BETWEEN 5:00PM – 5:30PM; REGULAR AGENDA, ITEMS 2 - 11 SHALL BEGIN AT 5:30PM.

(1) **CLOSED SESSION ON EXISTING LITIGATION:** 2623 Pacific LLC, Paul Chow v. City and County of San Francisco et al., San Francisco, Superior Court Case No. 505-993

A. Public comment on all matters pertaining to the closed session.

B. Vote on whether to hold closed session to confer with legal counsel regarding pending litigation, 2623 Pacific LLC, Paul Chow v. City and County of San Francisco et al., San Francisco, Superior Court Case No. 505-993 (filed January 13, 2006) relating to denial of a request for a dwelling unit merger from five units to one single family dwelling. (SF Administrative Code § 67.10(d)(1))

C. Conference with legal counsel in closed session. (CA Gov't. Code §§ 54956.9(a); SF Administrative Code § 67.10(d)(1).)

D. Reconvene in open session:

1. Report on action taken in closed session, if any, and the vote thereon. (CA Government Code § 54957.1(a); SF Administrative Code § 67.12(b)(2).)
2. Vote to elect whether to disclose any portion of the discussions held in closed session that is not confidential and possible report thereon. (SF Administrative Code § 67.12(a).)

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to enter into closed session. Afterwards, upon motion by Commissioner Garcia, the Board voted 5-0 to not disclose the contents of the discussion held during the closed session.

SPEAKERS: None.

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(2) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Jonas Ionin, and Lawrence Badiner, Planning Department.

(3) COMMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

(4) PROPOSED DEPARTMENTAL BUDGET, FY 2006-2007:

For public hearing, discussion, and adoption.

ACTION: Upon motion by Vice President Knox, the Board voted 5-0 to adopt the budget.

SPEAKERS: None.

(5) ADDENDUM ITEMS:

(5a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 446 Urbano Drive. Permit issued on December 2, 2005. Last day to appeal was December 19, 2005. Jurisdiction request received February 13, 2006. Letter from Mary Porter & Lindbergh Porter Jr., requestors, asking that the Board take jurisdiction over Building Permit Application No. 2005/12/02/9406. Permit Holders: Xue Yuan Jiang, & Beverly Jing Kuang. Project: on single-family house, add family room, full bath, and 6 bedrooms with 6 half baths on ground floor per plan; day care for 6 persons only; cannot prove the room on ground floor is legal, and therefore will pay the entire ground floor room school fee. **Note: the public hearing on this jurisdiction request was held and closed on March 1, 2006. Matter continued to allow time for further review of project by DBI and Planning staff.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 3-2 (Vice President Knox and Commissioner Sugaya dissented) to deny the jurisdiction request.

SPEAKERS: Jonas Ioning, PD; Lindbergh Porter, co-requestor; Leo McFadden, DBI; Sandy Gandolfo, and Mary Meunier, for requestors.

(5b) **REHEARING REQUEST:**

Subject property at 1366 San Bruno Avenue. Letter from Michael Rosenberg, appellant, requesting rehearing of Appeal No. 06-007, Rosenberg vs. DBI, PDA, decided February 22, 2006. At that time, upon motion by Vice President Knox, the Board voted 5-0 to uphold the permit. Permit Holder: Frank Stonich. Project: demolish a one-story structure, storage-use, with 425sf of ground floor area, BPA No. 2005/11/22/8839.

ACTION: Withdrawn by the requestor.

SPEAKERS: None.

(5c) **REHEARING REQUEST:**

Subject property at 1740 Filbert Street. Letter from Amy McDougall, appellant(s), requesting rehearing of Appeal No(s). 05-064/065, McDougall vs. DBI, PDD, decided June 8, 2005. At that time, upon motion by Commissioner Saunders, the Board voted 5-0 to uphold the denial of both permits by the Planning Department. Project, 1st permit: demolish a single-story building with 320sf of ground floor area, BPA No. 2004/12/02/0582. Project, 2nd permit: construction of a 4-story single-family dwelling with 1,224sf of ground floor area, BPA No. 2004/12/02/0571S.

ACTION: Upon motion by Commissioner Albright, the Board voted 5-0 to deny the rehearing request.

SPEAKERS: Jonas Ionin, PD; Amy McDougall, appellant; Stephen Williams, attorney for neighbors.

(6) **APPEAL NO. 06-016**

YUWADEE LIMDULPAIBOON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1407 – 34th Avenue. Appealing the imposition of penalty on January 26, 2006, for work done without a permit (on 2-unit building: remodel kitchen and bathroom; per NOV No. 200666225). APPLICATION NO. 2006/01/17/2308. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 5-0 to reduce the penalty to three (3) times the regular fee.

SPEAKERS: Panya Wongsenakhum, agent for appellant; Leo McFadden, DBI.

(7) **APPEAL NO. 06-023**

LILY STOYANOVSKI, Appellant(s) vs. ENTERTAINMENT COMMISSION, Respondent	580 Sutter Street. Protesting the issuance on February 9, 2006, to Clint Worden dba "Lucid Gallery", Place of Entertainment Permit. PERMIT NO. EC-782. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to uphold the permit.

SPEAKERS: Lily Stoyanovski, appellant; Clint Worden, permit holder; Mark Rennie, attorney for permit holder; Robert Davis, and Vajra Granelli, Entertainment Commission.

(8) **APPEAL NO. 05-202**

JOHN TYNAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1960, 1980-1998 Golden Gate Avenue. Protesting the issuance on November 23, 2005, to Prana Eight Properties LLC, Permit to Alter a Building (on 12-unit apt. building: response to NOV No. 200338880; remove 2 illegal ground floor dwelling units; remove defective bathroom on 1st floor; remove existing defective rear exit stair and deck; provide new required exit with fire-escape per "local equivalency"; provide new kitchen and bathroom for existing 4th floor apartments). APPLICATION NO. 2003/12/02/1446. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to revoke the permit at the request of the permit holder with the agreement of the appellant.

SPEAKERS: Pat Buscovich, agent for permit holder; Raquel Fox, attorney for appellant.

(9) **APPEAL NO. 98-046**

GERARDO PINTO & MARIANNE RUDDY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT DISAPPROVAL	1506-08 Alabama Street. Denial on March 6, 1998, of permit to Alter a Building (legalize flat on ground floor; add windows in kitchen and living room; add fan and light in bathroom; provide fire wall and door between garage and flat). APPLICATION NO. 9802518S. PUBLIC HEARINGS HELD & CLOSED ON NOVEMBER 18, 1998 & FEBRUARY 17, 1999. FOR FURTHER CONSIDERATION TODAY. **Note: Returned to Call of Chair per Board motion on Oct. 30, 2002; on Feb. 22, 2006, the Board continued the matter again to allow time for the appellant to notify his tenants of the Board's intent to decide the appeal.**

ACTION: Upon motion by President Fung, the Board voted 4-1 (Commissioner Sugaya dissented) to uphold the denial.

SPEAKERS: Gerardo Pinto, co-appellant; Leo McFadden, DBI; Jonas Ionin, PD; and Jeremy Paul.

(10) **APPEAL NO. 03-020**

DIMAS & BLANCA OLIVA, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	230 Rhine Street. Appealing a Notice of Violation dated Jan. 28, 2003, that a 2nd stove and kitchen has been installed in the rear building at the subject property, which constitutes the establishment of a 2nd dwelling unit, in violation of Planning Code § 209.1(b); and that a pre-existing car port has been expanded, in violation of Planning Code § 181.1. PUBLIC HEARING HELD & CLOSED ON APRIL 9, 2003. FOR FURTHER CONSIDERATION TODAY. **Note: Matter rescheduled to Call of the Chair so that DBI & Planning can perform a site visit to ascertain life/safety issues, as well as issues concerning original construction versus recent construction, with a report from said departments at a later date.**

ACTION: Upon motion by Vice President Knox, the Board voted 5-0 to continue the matter to the Call of Chair.

SPEAKERS: Jonas Ionin, PD; Blanca Oliva, co-appellant.

(11) **APPEAL NO. 05-128**

JAMES WITHRINGTON dba "GO CAR RENTALS", Appellant(s) vs. POLICE DEPARTMENT, Respondent PLANNING DEPT. DISAPPROVAL	2715 Hyde Street. Appealing the denial on July 7, 2005, of a Driverless Auto Rental Permit (P02). PUBLIC HEARING HELD & CLOSED ON NOVEMBER 2, 2005. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow appellant time to research other possible options with the Planning Department.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-1 (Commissioner Sugaya dissented) to overrule the denial, and adopt the findings as amended.

SPEAKERS: Jeremy Paul, agent for appellant; Jonas Ionin, PD.

There being no further business, President Fung adjourned the meeting at 9:10 p.m.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter. TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MARCH 29, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMMISSIONERS COMMENTS & QUESTIONS:

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(3) ADDENDUM ITEMS:

(3a) REHEARING REQUEST:

Subject property at 1623-1625 Noe Street. Letter from Trevor Fooks, appellant, requesting rehearing of Appeal No. 00-096, Fooks vs. ZA, decided February 22, 2006. At that time, upon motion by Commissioner Garcia, the Board voted 5-0 to uphold the Zoning Administrator's determination that under the RH-2 zoning of the property, the illegal third basement unit of the two-unit building must be removed, and with certain alterations the space may remain habitable space as part of one of the two lawful units.

03-24-07P01:11

(4) APPEAL NO. 05-171

YUE ZHEN OU, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	260 Kearny Street. Appealing a Health Permit Zoning Referral, dated July 20, 2005, addressed to Yue Zhen Ou, which disapproves the proposed massage establishment use because such use is not permitted within the C-3-O (Downtown Office) zoning district under § 218.1 of the Planning Code. JURISDICTION GRANTED OCT. 5, 2005. PUBLIC HEARING HELD & CLOSED ON DEC. 7, 2005. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for appellant and the ZA to work out a solution.**

(5) **APPEAL NO. 05-174**

BING CHEUK LAW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	227-229 – 7th Avenue. Protesting the issuance on October 5, 2005, to Mikhail Kurgatnikov, Permit to Alter a Building (on 2-unit building: 1st floor remodel, bedroom and study; 2nd & 3rd floor remodel, kitchen and bathroom; add new bathrooms (interior remodeling); all work is within the existing envelope of building). APPLICATION NO. 2005/10/05/4858. PUBLIC HEARING HELD & CLOSED ON DEC. 7, 2005. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for permit holder to work with DBI Code Enforcement on stair (2nd means of egress) issue.**

(6) **APPEAL NO. 06-022**

STEVE FUNG, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	114 Chattanooga Street. Appealing the denial on February 4, 2006, of Permit to Remove and Replace One (1) Tree. ORDER NO. 175,856. FOR HEARING TODAY.

(7) **APPEAL NO. 05-215**

MARC LEVSKY & NATALYA LVOFF, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2076 – 16th Avenue. Protesting the issuance on December 15, 2005, to Tatiana Sanotchkina, Permit to Alter a Building (on single-family house: new privacy fence; over 6 feet high on left side in rear yard). APPLICATION NO. 2005/12/15/0433. FOR HEARING TODAY.

(8) **APPEAL NO. 05-196**

CHEUK YEUNG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: DAVID & LORRAINE BLEIMAN	231 Ortega Street. Appealing the denial on November 29, 2005, of Site Permit to Alter a Building (on single-family house: construct 3-story addition to rear of existing 2-story building). APPLICATION NO. 2004/10/05/6033S. PUBLIC HEARING HELD AND CLOSED ON JANUARY 18, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for permit holder to submit revised plans pursuant to the Board's comments.**

(9) **APPEAL NO. 06-017**

ERIC CHUNG & CYRUS ETEMAD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	84 Vandewater Street. Protesting the issuance on January 20, 2006, to Harrigan Weidenmuller LLC, Site Permit to Erect a Building (4-story, 5-unit building with 2,750sf of ground floor area). APPLICATION NO. 2004/06/03/5412S. FOR HEARING TODAY.

(10) **APPEAL NO. 06-018**

MATTHEW BRENNAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	165 Beacon Street. Protesting the issuance on January 24, 2006, to R.J. Quinn, Permit to Alter a Building (on 2-unit building: tree impact damage repair; front window and wall; side window and wall; roof framing; interior gypsum board). APPLICATION NO. 2006/01/24/2938. FOR HEARING TODAY.

(11) **APPEAL NO. V06-019**

CARL CLEMENT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	229 Douglass Street. Protesting the granting on January 30, 2006, to Dan Lockwood, Rear Yard Variance (demolish an existing barn structure at the rear of the lot and replace it with a new building for residential use). VARIANCE CASE NO. 2004.1053V. FOR HEARING TODAY.

(12) **APPEAL NO. 06-021**

CHARLES PHAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2232 Bush Street. Appealing a determination dated February 6, 2006, addressed to CJ Higley at Reuben & Junius LLP, that a new full-service restaurant is not permitted at the subject property under the Planning Code. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **March 23, 2006**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	**PRESIDENT**
RANDALL KNOX	**VICE PRESIDENT**
KATHARINE ALBRIGHT	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
HISASHI B. SUGAYA	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER – TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net. THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

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ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber.
TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net.

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

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MEETING MINUTES - WEDNESDAY, MARCH 29, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Randall Knox, Commissioner Katharine Albright, Commissioner Michael Garcia, and Commissioner Hisashi Sugaya.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Jonas Ionin, Senior Planner, Planning Department (PD); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

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(3) ADDENDUM ITEMS:

(3a) REHEARING REQUEST:

Subject property at 1623-1625 Noe Street. Letter from Trevor Fooks, appellant, requesting rehearing of Appeal No. 00-096, Fooks vs. ZA, decided February 22, 2006. At that time, upon motion by Commissioner Garcia, the Board voted 5-0 to uphold the Zoning Administrator's determination that under the RH-2 zoning of the property, the illegal third basement unit of the two-unit building must be removed, and with certain alterations the space may remain habitable space as part of one of the two lawful units.

ACTION: Upon motion by Commissioner Albright, the Board voted 5-0 to grant the rehearing request, and to schedule the rehearing for Sept. 20, 2006.

SPEAKERS: Trevor Fooks, appellant; Laurence Kornfield, DBI.

(4) **APPEAL NO. 05-171**

YUE ZHEN OU, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	260 Kearny Street. Appealing a Health Permit Zoning Referral, dated July 20, 2005, addressed to Yue Zhen Ou, which disapproves the proposed massage establishment use because such use is not permitted within the C-3-O (Downtown Office) zoning district under § 218.1 of the Planning Code. JURISDICTION GRANTED OCT. 5, 2005. PUBLIC HEARING HELD & CLOSED ON DEC. 7, 2005. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for appellant and the ZA to work out a solution.**

ACTION: Upon motion by Commissioner Sugaya, the Board voted 5-0 to continue the matter to May 24, 2006.

SPEAKERS: Jonas Ionin, PD; Edward Hung, attorney for appellant.

(5) **APPEAL NO. 05-174**

BING CHEUK LAW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	227-229 – 7th Avenue. Protesting the issuance on October 5, 2005, to Mikhail Kurgatnikov, Permit to Alter a Building (on 2-unit building: 1st floor remodel, bedroom and study; 2nd & 3rd floor remodel, kitchen and bathroom; add new bathrooms (interior remodeling); all work is within the existing envelope of building). APPLICATION NO. 2005/10/05/4858. PUBLIC HEARING HELD & CLOSED ON DEC. 7, 2005. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for permit holder to work with DBI Code Enforcement on stair (2nd means of egress) issue.**

ACTION: None. Administratively withdrawn due to cancellation of permit by DBI at the permit holder's request.

SPEAKERS: None.

(6) **APPEAL NO. 06-022**

STEVE FUNG, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	114 Chattanooga Street. Appealing the denial on February 4, 2006, of Permit to Remove and Replace One (1) Tree. ORDER NO. 175,856. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 3-2 (Vice President Knox and Commissioner Albright dissented) to overrule the denial, and grant the permit, on condition that the replacement tree be of a 36 inch box size. 4 votes being required under the City Charter to overrule a departmental action, the denial was upheld.

SPEAKERS: Carla Short, DPW BUF; Steve Fung, appellant; Kevin Romanko, for appellant.

(7) **APPEAL NO. 05-215**

MARC LEVSKY & NATALYA LVOFF, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2076 – 16th Avenue. Protesting the issuance on December 15, 2005, to Tatiana Sanotchkina, Permit to Alter a Building (on single-family house: new privacy fence; over 6 feet high on left side in rear yard). APPLICATION NO. 2005/12/15/0433. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to continue the matter to June 7, 2006, with the public hearing closed.

SPEAKERS: Natalya Lvoff, appellant; Luda Romasenko, agent for permit holder; Barbara Rocshiak, architect for permit holder; Laurence Kornfield, DBI.

(8) **APPEAL NO. 05-196**

CHEUK YEUNG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: DAVID & LORRAINE BLEIMAN	231 Ortega Street. Appealing the denial on November 29, 2005, of Site Permit to Alter a Building (on single-family house: construct 3-story addition to rear of existing 2-story building). APPLICATION NO. 2004/10/05/6033S. PUBLIC HEARING HELD AND CLOSED ON JANUARY 18, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for permit holder to submit revised plans pursuant to the Board's comments.**

ACTION: Upon motion by Vice President Knox, the Board voted 5-0 to uphold the denial.

SPEAKERS: Cheuk Yeung, appellant; Jonas Ionin, PD; Sue Hestor, attorney for Sec. 14 party.

(9) **APPEAL NO. 06-017**

ERIC CHUNG & CYRUS ETEMAD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	84 Vandewater Street. Protesting the issuance on January 20, 2006, to Harrigan Weidenmuller LLC, Site Permit to Erect a Building (4-story, 5-unit building with 2,750sf of ground floor area). APPLICATION NO. 2004/06/03/5412S. FOR HEARING TODAY.

ACTION: Withdrawn by the appellants.

SPEAKERS: None.

(10) **APPEAL NO. 06-018**

MATTHEW BRENNAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	165 Beacon Street. Protesting the issuance on January 24, 2006, to R.J. Quinn, Permit to Alter a Building (on 2-unit building: tree impact damage repair; front window and wall; side window and wall; roof framing; interior gypsum board). APPLICATION NO. 2006/01/24/2938. FOR HEARING TODAY.

ACTION: Withdrawn by the appellants.

SPEAKERS: None.

(11) **APPEAL NO. V06-019**

CARL CLEMENT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	229 Douglass Street. Protesting the granting on January 30, 2006, to Dan Lockwood, Rear Yard Variance (demolish an existing barn structure at the rear of the lot and replace it with a new building for residential use). VARIANCE CASE NO. 2004.1053V. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Albright, the Board voted 4-1 (President Fung dissented) to uphold the variance with the following conditions: a) that a permanent fence 8 feet in height be constructed; b) that appellant be given 30 days notice prior to demolition of barn structure; and c) that the variance holder take appropriate steps to protect the appellant's property during construction.

SPEAKERS: Jonas Ionin, PD; Angela Clement, agent for appellant; Daniel Lockwood, variance holder; Joe Karr, architect for variance holder.

(12) **APPEAL NO. 06-021**

CHARLES PHAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2232 Bush Street. Appealing a determination dated February 6, 2006, addressed to CJ Higley at Reuben & Junius LLP, that a new full-service restaurant is not permitted at the subject property under the Planning Code. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to overrule the determination with findings to be adopted at a later date.

SPEAKERS: Jonas Ionin, PD; Jim Reuben, attorney for appellant; Paul Werner, Janice Bolaffi, Thomas Reynolds, Judith Duffy, and Linda Lee Harper, for appellant.

There being no further business, President Fung adjourned the meeting at 9:00 p.m.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter. TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, APRIL 19, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS:

(3a) ADOPTION OF FINDINGS:

Subject property at 2232 Bush Street. Appeal No(s). 06-021, Phan vs. ZA, decided March 29, 2006. At that time, upon motion by Commissioner Garcia, the Board voted 5-0 to overrule the ZA's determination with findings to be adopted at a later date. ZA Determination: that a new full-service restaurant is not permitted at the subject property under the Planning Code.

(3b) REHEARING REQUEST:

Subject Property at 1812-1816 Green Street. Letter from Jeremy Paul, Agent for Adrian & Anne Dollard, Appellant(s), requesting rehearing of Appeal No(s). 03-053, Dollard vs. ZA, decided June 11, 2003. At that time, upon motion by Commissioner Sugaya, the Board voted 2-3 (President Chin, Vice President Harrington, & Commissioner Saunders dissented) to uphold the Permit Suspension Request by the Zoning Administrator. Four votes being required to overturn any departmental action, the ZA's Permit Suspension Request was upheld. Reason(s) for Suspension: the subject permit (BPA No. 2003/01/28/6145) incorrectly represented the current legal use of the property as a single family dwelling when it is a two-family dwelling, and for the reason that the permit is now being used as justification for a third permit (BPA No. 2002/02/21/8004) which proposes to remove an illegal kitchen on the 1st floor, which is not illegal, and the proposal constitutes a dwelling unit merger subject to the mandatory Discretionary Review process. **Note: Board voted 5-0 on July 9, 2003 to reschedule the matter to the Call of the Chair at the request of the appellants so they could go forward with the mandatory DR hearing at the Planning Commission.**

(3c) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 2347 – 18th Avenue. Permit issued on March 13, 2006. Last day to appeal was March 28, 2006. Jurisdiction request received on March 31, 2006. Letter from Andres & Lizzie Jeremi, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2006/03/13/6555. Permit Holder(s): I. Ming Chu. Project: on single-family house, construct single-level deck at rear and side of building, and repair stair.

(4) APPEAL NO. 03-121

ANDREW YON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1759 – 14th Avenue. Protesting the issuance on July 29, 2003, to Anny Wong, Permit to Alter a Building (on single family house: adding a 16' X 18' deck with stairs at rear wall). APPLICATION NO. 2003/07/29/0633. FOR HEARING TODAY. **Note: Board voted on Oct. 22, 2003 to reschedule this appeal to the Call of Chair to allow time for the permit holder to seek an abandonment/cancellation of the permit with DBI.**

(5) APPEAL NO. 03-200

JAMES CHAU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2783 Folsom Street. Appeal for refund of penalty imposed on December 17, 2003 for work done without a permit (on two-story office-building: as built layout, for final inspection only, interior layout changes only). APPLICATION NO. 2003/11/04/9386. FOR HEARING TODAY. **Note: Board voted on Feb. 4, 2004 to reschedule this appeal to the Call of Chair because the Planning Dept. has requested a suspension of the permit due to procedural problems, and DBI would like to deal with the suspension issue first before it deals with the penalty issue.**

ITEMS (6A) & (6B) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 06-005**

DEAN DYER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	296 Dalewood Way. Protesting the issuance on December 21, 2005, to Sandra Waugh Palmero, Permit to Alter a Building (on single-family house: new retaining wall in rear yard, maximum height at 7' – 0"). APPLICATION NO. 2005/09/27/3979. FOR HEARING TODAY.

(6B) **APPEAL NO. 06-006**

DEAN DYER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	292 Dalewood Way. Protesting the issuance on December 21, 2005, to James Wempe, Permit to Alter a Building (on single-family house: new retaining wall in rear yard, maximum height at 7' – 0"). APPLICATION NO. 2005/09/27/3974. FOR HEARING TODAY.

(7) **APPEAL NO. 06-026**

JOHN SEAMON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	620 Jone Street. Appealing the denial on February 24, 2006, of Permit to Alter a Building (interior demolition; new interior walls and doors; new finishes; at penthouse 13th floor). APPLICATION NO. 2005/12/15/0349. FOR HEARING TODAY.

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Date posted: **April 13, 2006**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	**PRESIDENT**
RANDALL KNOX	**VICE PRESIDENT**
KATHARINE ALBRIGHT	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
HISASHI B. SUGAYA	**COMMISSIONER**

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, APRIL 19, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Randall Knox, Commissioner Katharine Albright, Commissioner Michael Garcia, and Commissioner Hisashi Sugaya.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Jonas Ionin, Senior Planner, Planning Department (PD); Leo McFadden, Senior Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

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(2a) SPECIAL ITEM:

APPEAL NO. 05-108

DEL-CAMP INVESTMENTS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	578-592 Jersey Street. Appealing the revocation on November 16, 2004, of Building Permit Application No. 2004/01/27/4922. **Note: The Board granted jurisdiction on June 8, 2005 and voted 3-1 (with one Commissioner absent) to uphold the Department on October 5, 2005. Pursuant to Case No. CPF-06-505991, the Superior Court has directed the Board to vacate its decision, reinstate the permit and revoke the November 5, 2004 NOV.** **FOR HEARING TODAY.**

ACTION: Upon motion by Vice President Knox, the Board voted 5-0 to vacate the decision of October 5, 2005, and to overrule the revocation of the permit, with the DBI to reinstate the subject permit, and with a directive to the DBI to remove the subject NOV of Nov. 5, 2004.

SPEAKERS: None.

(3) ADDENDUM ITEMS:

(3a) ADOPTION OF FINDINGS:

Subject property at 2232 Bush Street. Appeal No(s). 06-021, Phan vs. ZA, decided March 29, 2006. At that time, upon motion by Commissioner Garcia, the Board voted 5-0 to overrule the ZA's determination with findings to be adopted at a later date. ZA Determination: that a new full-service restaurant is not permitted at the subject property under the Planning Code.

ACTION: Upon motion by Commissioner Albright, the Board voted 5-0 to adopt the findings.

SPEAKERS: Jonas Ionin, PD.

(3b) REHEARING REQUEST:

Subject Property at 1812-1816 Green Street. Letter from Jeremy Paul, Agent for Adrian & Anne Dollard, Appellant(s), requesting rehearing of Appeal No(s). 03-053, Dollard vs. ZA, decided June 11, 2003. At that time, upon motion by Commissioner Sugaya, the Board voted 2-3 (President Chin, Vice President Harrington, & Commissioner Saunders dissented) to uphold the Permit Suspension Request by the Zoning Administrator. Four votes being required to overturn any departmental action, the ZA's Permit Suspension Request was upheld. Reason(s) for Suspension: the subject permit (BPA No. 2003/01/28/6145) incorrectly represented the current legal use of the property as a single family dwelling when it is a two-family dwelling, and for the reason that the permit is now being used as justification for a third permit (BPA No. 2002/02/21/8004) which proposes to remove an illegal kitchen on the 1st floor, which is not illegal, and the proposal constitutes a dwelling unit merger subject to the mandatory Discretionary Review process. **Note: Board voted 5-0 on July 9, 2003 to reschedule the matter to the Call of the Chair at the request of the appellants so they could go forward with the mandatory DR hearing at the Planning Commission.**

ACTION: Withdrawn by the requestors.

SPEAKERS: None.

(3c) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 2347 – 18th Avenue. Permit issued on March 13, 2006. Last day to appeal was March 28, 2006. Jurisdiction request received on March 31, 2006. Letter from Andres & Lizzie Jeremi, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2006/03/13/6555. Permit Holder(s): I. Ming Chu. Project: on single-family house, construct single-level deck at rear and side of building, and repair stair.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to grant the jurisdiction request.

SPEAKERS: Lizzie Jeremi, requestor; I. Ming Chu, permit holder.

(4) APPEAL NO. 03-121

ANDREW YON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1759 – 14th Avenue. Protesting the issuance on July 29, 2003, to Anny Wong, Permit to Alter a Building (on single family house: adding a 16' X 18' deck with stairs at rear wall). APPLICATION NO. 2003/07/29/0633. FOR HEARING TODAY. **Note: Board voted on Oct. 22, 2003 to reschedule this appeal to the Call of Chair to allow time for the permit holder to seek an abandonment/cancellation of the permit with DBI.**

ACTION: Upon motion by Vice President Knox, the Board voted 5-0 to uphold the permit.

SPEAKERS: Leo McFadden, DBI; appellant and permit holder did not appear.

(5) APPEAL NO. 03-200

JAMES CHAU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2783 Folsom Street. Appeal for refund of penalty imposed on December 17, 2003 for work done without a permit (on two-story office-building: as built layout, for final inspection only, interior layout changes only). APPLICATION NO. 2003/11/04/9386. FOR HEARING TODAY. **Note: Board voted on Feb. 4, 2004 to reschedule this appeal to the Call of Chair because the Planning Dept. has requested a suspension of the permit due to procedural problems, and DBI would like to deal with the suspension issue first before it deals with the penalty issue.**

ACTION: Upon motion by Vice President Knox, the Board voted 5-0 to uphold the penalty.

SPEAKERS: Jonas Ionin, PD; Leo McFadden, DBI; appellant did not appear.

ITEMS (6A) & (6B) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 06-005**

DEAN DYER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	296 Dalewood Way. Protesting the issuance on December 21, 2005, to Sandra Waugh Palmero, Permit to Alter a Building (on single-family house: new retaining wall in rear yard, maximum height at 7' – 0"). APPLICATION NO. 2005/09/27/3979. FOR HEARING TODAY.

(6B) **APPEAL NO. 06-006**

DEAN DYER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	292 Dalewood Way. Protesting the issuance on December 21, 2005, to James Wempe, Permit to Alter a Building (on single-family house: new retaining wall in rear yard, maximum height at 7' – 0"). APPLICATION NO. 2005/09/27/3974. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5-0 to reschedule the matter to May 3, 2006 at the written request of the parties.

SPEAKERS: Leo McFadden, DBI.

(7) **APPEAL NO. 06-026**

JOHN SEAMON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	620 Jone Street. Appealing the denial on February 24, 2006, of Permit to Alter a Building (interior demolition; new interior walls and doors; new finishes; at penthouse 13th floor). APPLICATION NO. 2005/12/15/0349. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 5-0 to continue the matter to May 17, 20006, with the appellant and Planning Dept. to submit additional documents pursuant to the Board's comments.

SPEAKERS: Jonas Ionin, PD; John Seamon, appellant.

There being no further business, President Fung adjourned the meeting at 6:40 p.m.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter. TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, APRIL 26, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADDENDUM ITEMS: None.**

(4) **APPEAL NO. 06-033**

RANDY VAN TRAN dba "SEVAN LIQUORS & DELI", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1508 Taraval Street. Appealing a 10-day suspension of a Tobacco Product Sales Establishment Permit, imposed on March 8, 2006. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-06-031. FOR HEARING TODAY.

(5) **APPEAL NO. 05-217**

KEVIN HICKS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3079 Broderick Street. Appealing a Stop Work Order Request dated December 15, 2005, addressed to Acting Director Amy Lee of the Dept. of Building Inspection, asking that a stop work order be implemented for the pending installation of a wall sign at the subject property. FOR HEARING TODAY.

(6) **APPEAL NO. 06-029**

SHARYN LOEB, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	919 Central Avenue. Protesting the issuance on February 24, 2006, to Bobby Niers & Thomas Jesson, Permit to Alter a Building (on 2-unit building: revision to BPA No. 2005/08/12/0212; change to concrete foundation at south fire wall; repair south property line fence; new partition walls in storage/crawl space; retract deck from north property line, and remove fire wall and wall). APPLICATION NO. 2006/02/24/5354. FOR HEARING TODAY.

(7) **APPEAL NO. 06-030**

ISA MUHAWIEH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	1409 Castro Street. Appealing the denial on March 1, 2006, of Permit to Alter a Building (change of occupancy; change of use from single-family residence to retail). APPLICATION NO. 2005/05/02/1317. FOR HEARING TODAY.

(8) **APPEAL NO. 06-031**

GARY GOLDBERG & SUNNY WANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: BILL & JOANNE MAHER VICTORIA MAR	3025-3029 Sacramento Street. Appealing the denial on March 7, 2006, of Site Permit to Alter a Building (on 3-unit apartment building: add horizontal addition to rear elevation; sprinklers under separate permit). APPLICATION NO. 2005/06/27/6107S. FOR HEARING TODAY.

(9) **APPEAL NO. 06-032**

SANDRA WHITMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1847 Scott Street. Protesting the issuance on February 28, 2006, to Brian Groner, Site Permit to Alter a Building (on single-family house: construction drawings for additional scope of work to previous permits, BPA Nos. 2003/03/24/0454 and 2003/08/06/1394; site permit to include additions as noted by inspectors; rear stairs and penthouse to be less than 150sf; 2-story vertical addition). APPLICATION NO. 2003/09/17/5059S. FOR HEARING TODAY.

ADJOURNMENT.

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Date posted: **April 20, 2006**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	PRESIDENT
RANDALL KNOX	VICE PRESIDENT
KATHARINE ALBRIGHT	COMMISSIONER
MICHAEL GARCIA	COMMISSIONER
HISASHI B. SUGAYA	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER – TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net. THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, APRIL 26, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Randall Knox, Commissioner Katharine Albright, Commissioner Michael Garcia, and Commissioner Hisashi Sugaya.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Jonas Ionin, Senior Planner, Planning Department (PD); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

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SPEAKERS: None.

(2) COMMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

(3) ADDENDUM ITEMS: None.

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(4) APPEAL NO. 06-033

RANDY VAN TRAN dba "SEVAN LIQUORS & DELI", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1508 Taraval Street. Appealing a 10-day suspension of a Tobacco Product Sales Establishment Permit, imposed on March 8, 2006. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-06-031. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Knox, the Board voted 5-0 to uphold the 10-day suspension.

SPEAKERS: Cecilia Mangoba, attorney for DPH; Randy Van Tran, appellant.

(5) **APPEAL NO. 05-217**

KEVIN HICKS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3079 Broderick Street. Appealing a Stop Work Order Request dated December 15, 2005, addressed to Acting Director Amy Lee of the Dept. of Building Inspection, asking that a stop work order be implemented for the pending installation of a wall sign at the subject property. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 5-0 to reschedule the matter to May 17, 2006.

SPEAKERS: Jonas Ionin, PD; Alice Barkley, attorney for appellant.

(6) **APPEAL NO. 06-029**

SHARYN LOEB, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	919 Central Avenue. Protesting the issuance on February 24, 2006, to Bobby Niers & Thomas Jesson, Permit to Alter a Building (on 2-unit building: revision to BPA No. 2005/08/12/0212; change to concrete foundation at south fire wall; repair south property line fence; new partition walls in storage/crawl space; retract deck from north property line, and remove fire wall and wall). APPLICATION NO. 2006/02/24/5354. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to uphold the permit.

SPEAKERS: Sharyn Loeb, appellant; Thomas Jesson, co-permit holder; Laurence Kornfield, DBI.

(7) **APPEAL NO. 06-030**

ISA MUHAWIEH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	1409 Castro Street. Appealing the denial on March 1, 2006, of Permit to Alter a Building (change of occupancy; change of use from single-family residence to retail). APPLICATION NO. 2005/05/02/1317. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5-0 to continue the matter to May 24, 2006 with the public hearing closed.

SPEAKERS: Jonas Ionin, PD; Steven MacDonald, attorney for appellant; Isa Muhawieh, appellant; Robert Roddick, Richard May, and Lori Koon, for appellant; Stephen Collier, and Mitchell Schoenbrun, for Planning Commission.

(8) **APPEAL NO. 06-031**

GARY GOLDBERG & SUNNY WANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: BILL & JOANNE MAHER VICTORIA MAR	3025-3029 Sacramento Street. Appealing the denial on March 7, 2006, of Site Permit to Alter a Building (on 3-unit apartment building: add horizontal addition to rear elevation; sprinklers under separate permit). APPLICATION NO. 2005/06/27/6107S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to overrule the denial, grant the permit, with adoption of the Planning Department's staff report and the ZA's code interpretation (dated Jan. 1997) as findings.

SPEAKERS: Jonas Ionin, PD; Joel Yodowitz, attorney for appellants; Susan Mukaeda, agent for appellant; Brett Gladstone, attorney for sec. 14 parties; Victoria Mar, sec. 14 party.

(9) **APPEAL NO. 06-032**

SANDRA WHITMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1847 Scott Street. Protesting the issuance on February 28, 2006, to Brian Groner, Site Permit to Alter a Building (on single-family house: construction drawings for additional scope of work to previous permits, BPA Nos. 2003/03/24/0454 and 2003/08/06/1394; site permit to include additions as noted by inspectors; rear stairs and penthouse to be less than 150sf; 2-story vertical addition). APPLICATION NO. 2003/09/17/5059S. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Knox, the Board voted 5-0 to uphold the permit on condition that the penthouse be removed from the top floor.

SPEAKERS: David Cincotta, attorney for appellant; Andrew Junius, attorney for permit holder; Mike Berline, agent for appellant; Alexandra Quinn, for appellant; Sandra Whitman, appellant; Rodrigo Santos, agent for permit holder.

There being no further business, President Fung adjourned the meeting at 9:10 p.m.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter. TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MAY 3, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS:

(3a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 2870 Pacific Avenue. Permit issued on December 6, 2005. Last day to appeal was December 21, 2005. Jurisdiction request received on April 13, 2006. Letter from Theresa Lim, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2004/11/29/0199S. Permit Holder(s): Caley & Heidi Castelein. Project: on single-family house, 2nd floor addition, and excavation of existing crawlspace to provide habitable basement.

(4) APPEAL NO. 06-034

ENRIQUE SANCHEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	150 Josiah Avenue. Appealing the imposition of penalty on March 15, 2006, for work done without a permit (on single-family house: remove three kitchens from the 1st and 2nd floors). APPLICATION NO. 2006/03/02/5812. FOR HEARING TODAY.

(5) **APPEAL NO. 05-213**

HOWARD HSU dba “HOLLYWOOD BILLIARDS / CLUB Q”, Appellant(s) vs. ENTERTAINMENT COMMISSION, Respondent	1028 Market St. / 61 Golden Gate Ave. Appealing the denial on December 13, 2005, of Place of Entertainment Permit, Extended-Hours Premises Permit and Billiards Permit. APPLICATION NO. EC-705. FOR HEARING TODAY.

(6) **APPEAL NO. 06-035**

THET YU NAING dba “SILVER ARCO”, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	2190 Carroll Avenue. Appealing a 10-day suspension of a Tobacco Product Sales Establishment Permit, imposed on March 8, 2006. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR’S CASE NO. FD-06-033. FOR HEARING TODAY.

TEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 06-005**

DEAN DYER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	296 Dalewood Way. Protesting the issuance on December 21, 2005, to Sandra Waugh Palmero, Permit to Alter a Building (on single-family house: new retaining wall in rear yard, maximum height at 7’ – 0”). APPLICATION NO. 2005/09/27/3979. FOR HEARING TODAY.

(7B) **APPEAL NO. 06-006**

DEAN DYER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	292 Dalewood Way. Protesting the issuance on December 21, 2005, to James Wempe, Permit to Alter a Building (on single-family house: new retaining wall in rear yard, maximum height at 7’ – 0”). APPLICATION NO. 2005/09/27/3974. FOR HEARING TODAY.

ITEMS (8A)& (8B) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 06-036**

TRACEY HUGHES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1070 Sanchez Street. Protesting the issuance on March 3, 2006, to Sanchez LLC, Permit to Demolish a Building (2-story, single-family house with 1,000sf of ground floor area). APPLICATION NO. 2004/05/27/5002. FOR HEARING TODAY.

(8B) **APPEAL NO. 06-037**

TRACEY HUGHES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1070 Sanchez Street. Protesting the issuance on March 3, 2006, to Sanchez LLC, Site Permit to Erect a Building (3-story, 2-unit building with 1,711 of ground floor area). APPLICATION NO. 2004/05/27/5004S. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **April 27, 2006**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	PRESIDENT
RANDALL KNOX	VICE PRESIDENT
KATHARINE ALBRIGHT	COMMISSIONER
MICHAEL GARCIA	COMMISSIONER
HISASHI B. SUGAYA	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER – TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net. THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

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ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber.
TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

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MEETING MINUTES - WEDNESDAY, MAY 3, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Randall Knox, Commissioner Hisashi Sugaya, Commissioner Katharine Albright.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Jonas Ionin, Senior Planner, Planning Department (PD); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; Claudine Woeber, Official Court Reporter.

ABSENT: Commissioner Michael Garcia.

(1) PUBLIC COMMENT:

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SPEAKERS: None.

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(2) COMMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

(3) ADDENDUM ITEMS:

(3a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 2870 Pacific Avenue. Permit issued on December 6, 2005. Last day to appeal was December 21, 2005. Jurisdiction request received on April 13, 2006. Letter from Theresa Lim, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2004/11/29/0199S. Permit Holder(s): Caley & Heidi Castelein. Project: on single-family house, 2nd floor addition, and excavation of existing crawlspace to provide habitable basement.

ACTION: Upon motion by Vice President Knox, the Board voted 4-0-1 (Commissioner Garcia absent) to deny the jurisdiction request.

SPEAKERS: Alice Barkley, attorney for permit holder; requestor did not appear.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 06-034**

ENRIQUE SANCHEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	150 Josiah Avenue. Appealing the imposition of penalty on March 15, 2006, for work done without a permit (on single-family house: remove three kitchens from the 1st and 2nd floors). APPLICATION NO. 2006/03/02/5812. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 4-0-1 (Commissioner Garcia absent) to reduce the penalty to two (2) times the regular fee.

SPEAKERS: None, DBI consented to reduction in penalty.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 05-213**

HOWARD HSU dba "HOLLYWOOD BILLIARDS / CLUB Q", Appellant(s) vs. ENTERTAINMENT COMMISSION, Respondent	1028 Market St. / 61 Golden Gate Ave. Appealing the denial on December 13, 2005, of Place of Entertainment Permit, Extended-Hours Premises Permit and Billiards Permit. APPLICATION NO. EC-705. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Albright, the Board voted 4-0-1 (Commissioner Garcia absent) to uphold the denial of the place of entertainment permit and extended hours permit, and to overrule denial of billiards permit, with findings to be adopted at a later date.

SPEAKERS: Robert Davis, Entertainment Commission; Mark Rennie, attorney for appellant; Howard Hsu, Appellant.

PUBLIC COMMENT: None.

) APPEAL NO. 06-035

HET YU NAING ba "SILVER ARCO", Appellant(s) vs. EPT. OF PUBLIC HEALTH, Respondent	2190 Carroll Avenue. Appealing a 10-day suspension of a Tobacco Product Sales Establishment Permit, imposed on March 8, 2006. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-06-033. FOR HEARING TODAY.

CTION: Upon motion by President Fung, the Board voted 4-0-1 (Commissioner Garcia absent) reschedule the matter to June 7, 2006 at the written request of the parties.

PEAKERS: None.

UBLIC COMMENT: None.

TEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

A) APPEAL NO. 06-005

DEAN DYER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	296 Dalewood Way. Protesting the issuance on December 21, 2005, to Sandra Waugh Palmero, Permit to Alter a Building (on single-family house: new retaining wall in rear yard, maximum height at 7' – 0"). APPLICATION NO. 2005/09/27/3979. FOR HEARING TODAY.

7B) APPEAL NO. 06-006

DEAN DYER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	292 Dalewood Way. Protesting the issuance on December 21, 2005, to James Wempe, Permit to Alter a Building (on single-family house: new retaining wall in rear yard, maximum height at 7' – 0"). APPLICATION NO. 2005/09/27/3974. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 4-0-1 (Commissioner Garcia absent) to reschedule both matters to May 24, 2006 at the written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

ITEMS (8A)& (8B) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 06-036**

TRACEY HUGHES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1070 Sanchez Street. Protesting the issuance on March 3, 2006, to Sanchez LLC, Permit to Demolish a Building (2-story, single-family house with 1,000sf of ground floor area). APPLICATION NO. 2004/05/27/5002. FOR HEARING TODAY.

(8B) **APPEAL NO. 06-037**

TRACEY HUGHES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1070 Sanchez Street. Protesting the issuance on March 3, 2006, to Sanchez LLC, Site Permit to Erect a Building (3-story, 2-unit building with 1,711 of ground floor area). APPLICATION NO. 2004/05/27/5004S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Albright, the Board voted 4-0-1 (Commissioner Garcia absent) to uphold both permits.

SPEAKERS: Tracey Hughes, appellant; Alice Barkley, attorney for permit holder; Jonas Ionin PD.

PUBLIC COMMENT: Mary Ann Henningsen, grand-daughter of original owner, said people who have lived in the house were pioneer families in Napa County and Nevada.

Joe Butler, an architect in support of the appellant, said both the Planning Commission and the Board of Supervisors were misled by the permit holder who submitted incomplete and inaccurate information about the house. The soundness report to the Commission used incorrect figures and the rear yard has been calculated improperly.

There being no further business, President Fung adjourned the meeting at 7:20 pm.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from official court reporter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MAY 17, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADDENDUM ITEMS:** None.

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(4) **APPEAL NO. 06-026**

JOHN SEAMON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	620 Jones Street. Appealing the denial on February 24, 2006, of Permit to Alter a Building (interior demolition; new interior walls and doors; new finishes; at penthouse 13th floor). APPLICATION NO. 2005/12/15/0349. PUBLIC HEARING HELD & CLOSED ON APRIL 19, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for appellant and the Planning Dept. to submit additional documents pursuant to the Board's comments.**

(5) **APPEAL NO. 06-040**

1169-1177 TENNESSEE STREET INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1169-1777 Tennessee Street. Appealing a determination dated March 6, 2006, addressed to Regan Carroll, concerning the routing of all building permit applications, renewals, extensions, addendums, and revisions for the subject property. FOR HEARING TODAY.

(6) **APPEAL NO. 06-041**

REGAN CARROLL TRUST, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1179-1189 Tennessee Street. Appealing a determination dated March 6, 2006, addressed to Regan Carroll, concerning the routing of all building permit applications, renewals, extensions, addendums, and revisions for the subject property. FOR HEARING TODAY.

(7) **APPEAL NO. 06-042**

MIKE NAJDAWI dba "SILVER GAS & DIESEL", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	2400 San Bruno Avenue. Appealing a 30-day suspension of a Tobacco Product Sales Establishment Permit, imposed on March 9, 2006. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-06-029. FOR HEARING TODAY.

(8) **APPEAL NO. 06-043**

CALY BENVENUTTO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1837 Webster Street. Protesting the issuance on March 13, 2006, to Ken Block, Permit to Alter a Building (on 3-unit apartment building: remodel bathroom and kitchen in all units; provide new windows at living room in all units; windows to be wood, double-hung, double glazed). APPLICATION NO. 2005/10/31/6933. FOR HEARING TODAY.

(9) **APPEAL NO. 06-044**

1047 POLK STREET INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1047 Polk Street. Appealing a Notice of Violation dated March 9, 2006, addressed to Pacific Realty Company, that the subject property is being used illegally as an adult entertainment establishment, and that unauthorized business signs exist at the subject property. FOR HEARING TODAY.

(10) **APPEAL NO. 05-217**

KEVIN HICKS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3079 Broderick Street. Appealing a Stop Work Order Request dated December 15, 2005, addressed to Acting Director Amy Lee of the Dept. of Building Inspection, asking that a stop work order be implemented for the pending installation of a wall sign at the subject property. FOR HEARING TODAY.

(11) **APPEAL NO. 06-038**

MICHAEL PATEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	432 Geary Street. Appealing the denial on August 9, 2005, of Permit to Erect a Sign (non-electric, wall, single-faced, painted wall, 30' X 59', with 1,770sf of total surface area). APPLICATION NO. 2002/02/01/8317. JURISDICTION GRANTED MARCH 1, 2006. FOR HEARING TODAY.

(12) **APPEAL NO. 06-039**

KEVIN HICKS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	504 – 6th Street. Appealing the denial on March 6, 2006, of Permit to Erect a Sign (ground, non-electric, single-faced, 14' X 48', with 672sf of total surface area). APPLICATION NO. 2005/10/11/5200. FOR HEARING TODAY.

ADJOURNMENT.

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Date posted: **May 11, 2006**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	**PRESIDENT**
RANDALL KNOX	**VICE PRESIDENT**
KATHARINE ALBRIGHT	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
HISASHI B. SUGAYA	**COMMISSIONER**

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

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CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES- WEDNESDAY, MAY 17, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Randall Knox, Commissioner Hisashi Sugaya, Commissioner Katharine Albright and Commissioner Michael Garcia

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Jonas Ionin, Senior Planner, Planning Department (PD); Cecilia Mangoba, Deputy City Attorney, Dept. of Public Health (DPH);Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; Claudine Woeber, Official Court Reporter.

(1) **PUBLIC COMMENT:**

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SPEAKERS: None.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADDENDUM ITEMS:** None.

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(4) **APPEAL NO. 06-026**

JOHN SEAMON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	620 Jones Street. Appealing the denial on February 24, 2006, of Permit to Alter a Building (interior demolition; new interior walls and doors; new finishes; at penthouse 13th floor). APPLICATION NO. 2005/12/15/0349. PUBLIC HEARING HELD & CLOSED ON APRIL 19, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for appellant and the Planning Dept. to submit additional documents pursuant to the Board's comments.**

ACTION: Upon motion by Commissioner Sugaya, the Board voted 5-0 to overrule the denial on condition that plans be provided to the Planning Dept. which show (171) residential hotel rooms and (1) dwelling unit, with a finding that the proposal is consistent with the non-conforming use.

SPEAKERS: Jonas Ionin, PD; John Seamon, appellant

PUBLIC COMMENT: None.

(5) **APPEAL NO. 06-040**

1169-1177 TENNESSEE STREET INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1169-1777 Tennessee Street. Appealing a determination dated March 6, 2006, addressed to Regan Carroll, concerning the routing of all building permit applications, renewals, extensions, addendums, and revisions for the subject property. FOR HEARING TODAY.

ACTION: Withdrawn at hearing.

SPEAKERS: Jonas Ionin, PD; Thomas Lippe, attorney for appellant.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 06-041**

REGAN CARROLL TRUST, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1179-1189 Tennessee Street. Appealing a determination dated March 6, 2006, addressed to Regan Carroll, concerning the routing of all building permit applications, renewals, extensions, addendums, and revisions for the subject property. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to not recuse Deputy City Attorney Catharine Barnes. Upon motion by Commissioner Garcia, the Board voted 5-0 to uphold the Zoning Administrator's determination.

SPEAKERS: Jonas Ionin, PD; Thomas Lippe, attorney for appellant; Regan Canoll, appellant; Laurence Kornfield (DBI).

PUBLIC COMMENT: Joe Boss of DogPatch neighborhood association said much effort went into creating the historic district and it was important to have its regulations implemented.

(7) **APPEAL NO. 06-042**

MIKE NAJDAWI dba "SILVER GAS & DIESEL", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	2400 San Bruno Avenue. Appealing a 30-day suspension of a Tobacco Product Sales Establishment Permit, imposed on March 9, 2006. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-06-029. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Albright, the Board voted 4-1 (Commissioner Sugaya dissented) to uphold the 30 day suspension.

SPEAKERS: Cecilia Mangoba, DPH; Dean Najdawi, agent for appellant.

PUBLIC COMMENT: Amer Riad Bseiso and Fred Museitef spoke in support of the appellant.

(8) **APPEAL NO. 06-043**

CALY BENVENUTTO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1837 Webster Street. Protesting the issuance on March 13, 2006, to Ken Block, Permit to Alter a Building (on 3-unit apartment building: remodel bathroom and kitchen in all units; provide new windows at living room in all units; windows to be wood, double-hung, double glazed). APPLICATION NO. 2005/10/31/6933. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to uphold the permit.

SPEAKERS: Ken Bloch, permit holder; appellant did not appear.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 06-044**

1047 POLK STREET INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1047 Polk Street. Appealing a Notice of Violation dated March 9, 2006, addressed to Pacific Realty Company, that the subject property is being used illegally as an adult entertainment establishment, and that unauthorized business signs exist at the subject property. FOR HEARING TODAY.

ACTION: Withdrawn by appellant.

SPEAKERS: None

PUBLIC COMMENT: None.

(10) **APPEAL NO. 05-217**

KEVIN HICKS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3079 Broderick Street. Appealing a Stop Work Order Request dated December 15, 2005, addressed to Acting Director Amy Lee of the Dept. of Building Inspection, asking that a stop work order be implemented for the pending installation of a wall sign at the subject property. FOR HEARING TODAY.

ACTION: Withdrawn by appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

(11) **APPEAL NO. 06-038**

MICHAEL PATEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	432 Geary Street. Appealing the denial on August 9, 2005, of Permit to Erect a Sign (non-electric, wall, single-faced, painted wall, 30' X 59', with 1,770sf of total surface area). APPLICATION NO. 2002/02/01/8317. JURISDICTION GRANTED MARCH 1, 2006. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Knox, the Board voted 5-0 to reschedule the matter to June 21, 2006 at the written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(12) **APPEAL NO. 06-039**

KEVIN HICKS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	504 – 6th Street. Appealing the denial on March 6, 2006, of Permit to Erect a Sign (ground, non-electric, single-faced, 14' X 48', with 672sf of total surface area). APPLICATION NO. 2005/10/11/5200. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to overrule the denial and grant the permit with findings to be adopted at a later date.

SPEAKERS: Jonas Ionin, PD; Alice Barkley, attorney for the appellant; Laurence Kornfield, DBI; Gerald Murphy, attorney for appellant.

PUBLIC COMMENT: None.

There being no further business, President Fung adjourned the meeting at 8:35 pm.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from official court reporter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MAY 24, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS:

(3a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 737 Castro Street. Permits issued on July 5, 2005, August 22, 2005, and January 23, 2006. Last day to appeal was July 20, 2005, September 6, 2005, and February 7, 2006, respectively. Jurisdiction request(s) received on May 4, 2006. Letter from Isaac Abrams, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2005/07/05/6843, 2005/08/22/0845, and 2005/09/08/2285. Permit Holder(s): Jorge Chavez and Dean Ballback. Project, 1st permit: remodel two bathrooms and kitchen. Project, 2nd permit: replace portion of foundation, concrete cap, north side footing. Project, 3rd permit: remodel kitchen and baths; three new dormers in attic space; convert attic to master suite; new stairs. **Note:** Appeal No. 06-060, Abrams vs. DBI, PDA, filed on April 21, 2006, protesting a 4th permit (BPA No. 2006/04/18/9218), issued on April 18, 2006, is scheduled for hearing on June 14, 2006. Project, 4th permit: revision to BPA No. 2005/09/08/2285; show all new framing at rear room; lower back roof 18" and move railing 3' off south property line; landscape rear yard, retaining walls and fence; comply with NOV nos. 200561712, 20067313, and 200667626).

(3b) ADOPTION OF FINDINGS:

Subject property at 1028 Market Street / 61 Golden Gate Ave. Appeal No. 05-213, Howard Hsu dba Hollywood Billiards / Club Q vs. EC, decided May 3, 2006. At that time, upon motion by Commissioner Albright, the Board voted 4-0-1 (Commissioner Garcia absent) to uphold the denial of the Place of Entertainment and Extended Hours Premises Permits, and to overrule the denial of the Billiards Permit, with findings to be adopted at a later date.

(3c) REHEARING REQUEST:

Subject property at 1847 Scott Street. Letter from David Cincotta, attorney for Sandra Whitman, appellant, requesting rehearing of Appeal No. 06-032, Whitman vs. DBI, PDA, decided April 26, 2006. At that time, upon motion by Vice President Knox, the Board voted 5-0 to uphold the subject permit on condition that the penthouse be removed from the top floor. Permit Holder: Brian Groner. Project: on single-family house, construction drawings for additional scope of work to previous permits, BPA Nos. 2003/03/24/0454 and 2003/08/06/1394; site permit to include additions as noted by inspectors; rear stairs and penthouse to be less than 150sf; 2-story vertical addition; BPA No. 2003/09/17/5059S.

(3d) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 136 Lundys Lane. Permit issued on April 14, 2006. Last day to appeal was May 1, 2006. Jurisdiction request received on May 12, 2006. Letter from James Hurley, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2006/04/14/9052. Permit Holder(s): Jeffrey Delleo. Project: on single-family house, replace existing fence and deck in kind with exception of firewall instead of fence on property line.

(4) APPEAL NO. 06-030

ISA MUHAWIEH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	1409 Castro Street. Appealing the denial on March 1, 2006, of Permit to Alter a Building (change of occupancy; change of use from single-family residence to retail). APPLICATION NO. 2005/05/02/1317. PUBLIC HEARING HELD AND CLOSED ON APRIL 26, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for appellant to research alternative options pursuant to the Board's comments.**

(5) APPEAL NO. 05-171

YUE ZHEN OU, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	260 Kearny Street. Appealing a Health Permit Zoning Referral, dated July 20, 2005, addressed to Yue Zhen Ou, which disapproves the proposed massage establishment use because such use is not permitted within the C-3-O (Downtown Office) zoning district under § 218.1 of the Planning Code. JURISDICTION GRANTED OCT. 5, 2005. PUBLIC HEARING HELD & CLOSED ON DEC. 7, 2005. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for appellant to seek a solution.**

ITEMS (6A) & (6B) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 06-005**

DEAN DYER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	296 Dalewood Way. Protesting the issuance on December 21, 2005, to Sandra Waugh Palmero, Permit to Alter a Building (on single-family house: new retaining wall in rear yard, maximum height at 7' – 0"). APPLICATION NO. 2005/09/27/3979. FOR HEARING TODAY.

(6B) **APPEAL NO. 06-006**

DEAN DYER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	292 Dalewood Way. Protesting the issuance on December 21, 2005, to James Wempe, Permit to Alter a Building (on single-family house: new retaining wall in rear yard, maximum height at 7' – 0"). APPLICATION NO. 2005/09/27/3974. FOR HEARING TODAY.

(7) **APPEAL NO. 06-028**

KEVIN HICKS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1745-1755 Market Street. Appealing a Notice of Violation dated February 13, 2006, addressed to Faiq & Diana Khouri and Kevin Hicks, concerning the legality of the general advertising sign located on the western side of the building. FOR HEARING TODAY.

(8) **APPEAL NO. 06-045**

RISA TEITELBAUM, HILL STREET NEIGHBORS, & LIBERTY HILL NEIGHBORHOOD ASSOCIATION, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1058 Valencia Street. Protesting the issuance on March 17, 2006, to Chris Tsang, Permit to Alter a Building (install walk-in cooler/freezer, hood, sewer lines for new sinks and restroom, partition walls, relocate restrooms). APPLICATION NO. 2006/02/02/3626. FOR HEARING TODAY.

(9) **APPEAL NO. 06-047**

JEFF WONG, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2458 Bayshore Blvd. Appealing a determination dated March 13, 2006, addressed to Jeff Wong, regarding the proposal for a massage establishment at the subject property. FOR HEARING TODAY.

(10) **APPEAL NO. 06-049**

SAVE OUR PRIVACY & PROPERTY VALUES ASSOCIATION, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	259 Staples Avenue. Protesting the issuance on March 14, 2006, to Herbert Yee & Judith Serin, Site Permit to Alter a Building (on single-family house: new room and bath over existing garage at rear; garage is separate structure at rear with access from private alley; no work at existing residence). APPLICATION NO. 2005/02/22/5935S. FOR HEARING TODAY.

ADJOURNMENT.

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Date posted: **May 18, 2006**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	**PRESIDENT**
RANDALL KNOX	**VICE PRESIDENT**
KATHARINE ALBRIGHT	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
HISASHI B. SUGAYA	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER – TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net. THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

ecord and will be brought to the attention of the Board at the public hearing. For complete distribution to ll Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

ursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or evelopment permit, you may be limited to raising only those issues you or someone else raised at the ublic hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, r prior to, the public hearing.

alendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken ut of order to accommodate special needs. The Board urges all parties to be present in the hearing oom from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when is called.

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MAY 24, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Randall Knox, Commissioner Hisashi Sugaya, Commissioner Katharine Albright and Commissioner Michael Garcia.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Leo McFadden, Senior Building Inspector, Dept. of Building Inspection (DBI); Jonas Ionin, Senior Planner, Planning Department (PD); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; Claudine Woeber, Official Court Reporter.

1/06

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SPEAKERS: Jonas Ionin, PD.

(2) COMMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

(3) ADDENDUM ITEMS:

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(3a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 737 Castro Street. Permits issued on July 5, 2005, August 22, 2005, and January 23, 2006. Last day to appeal was July 20, 2005, September 6, 2005, and February 7, 2006, respectively. Jurisdiction request(s) received on May 4, 2006. Letter from Isaac Abrams, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2005/07/05/6843, 2005/08/22/0845, and 2005/09/08/2285. Permit Holder(s): Jorge Chavez and Dean Ballback. Project, 1st permit: remodel two bathrooms and kitchen. Project, 2nd permit: replace portion of foundation, concrete cap, north side footing. Project, 3rd permit: remodel kitchen and baths; three new dormers in attic space; convert attic to master suite; new stairs. **Note:** Appeal No. 06-060, Abrams vs. DBI, PDA, filed on April 21, 2006, protesting a 4th permit (BPA No. 2006/04/18/9218), issued on April 18, 2006, is scheduled for hearing on June 14, 2006. Project, 4th permit: revision to BPA No. 2005/09/08/2285; show all new framing at rear room; lower back roof 18" and move railing 3' off south property line; landscape rear yard, retaining walls and fence; comply with NOV nos. 200561712, 20067313, and 200667626).

ACTION: Upon motion by Commissioner Albright, the Board voted 3-1-1 (Commissioner Sugaya dissented and Commissioner Garcia absent) to continue the matter to June 14, 2006.

SPEAKERS: Nat Abrams, requestor; Jeremy Paul, agent for permit holder; Leo McFadden, DBI.

PUBLIC COMMENT: None.

(3b) ADOPTION OF FINDINGS:

Subject property at 1028 Market Street / 61 Golden Gate Ave. Appeal No. 05-213, Howard Hsu dba Hollywood Billiards / Club Q vs. EC, decided May 3, 2006. At that time, upon motion by Commissioner Albright, the Board voted 4-0-1 (Commissioner Garcia absent) to uphold the denial of the Place of Entertainment and Extended Hours Premises Permits, and to overrule the denial of the Billiards Permit, with findings to be adopted at a later date.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 5-0 to adopt the findings as amended.

SPEAKERS: Mark Rennie, attorney for appellant.

PUBLIC COMMENT: None.

(3c) REHEARING REQUEST:

Subject property at 1847 Scott Street. Letter from David Cincotta, attorney for Sandra Whitman, appellant, requesting rehearing of Appeal No. 06-032, Whitman vs. DBI, PDA, decided April 26, 2006. At that time, upon motion by Vice President Knox, the Board voted 5-0 to uphold the subject permit on condition that the penthouse be removed from the top floor. Permit Holder: Brian Groner. Project: on single-family house, construction drawings for additional scope of work to previous permits, BPA Nos. 2003/03/24/0454 and 2003/08/06/1394; site permit to include additions as noted by inspectors; rear stairs and penthouse to be less than 150sf; 2-story vertical addition; BPA No. 2003/09/17/5059S.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to deny the rehearing request.

SPEAKERS: David Cincotta, attorney for appellant; Andrew Junius, attorney for permit holder.

PUBLIC COMMENT: None.

(3d) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 136 Lundys Lane. Permit issued on April 14, 2006. Last day to appeal was May 1, 2006. Jurisdiction request received on May 12, 2006. Letter from James Hurley, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2006/04/14/9052. Permit Holder(s): Jeffrey Delleo. Project: on single-family house, replace existing fence and deck in kind with exception of firewall instead of fence on property line.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 5-0 to deny the jurisdiction request.

SPEAKER: James Hurley, requestor; Jeffrey Delleo, permit holder; Leo McFadden, DBI.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 06-030**

ISA MUHAWIEH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	1409 Castro Street. Appealing the denial on March 1, 2006, of Permit to Alter a Building (change of occupancy; change of use from single-family residence to retail). APPLICATION NO. 2005/05/02/1317. PUBLIC HEARING HELD AND CLOSED ON APRIL 26, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for appellant to research alternative options pursuant to the Board's comments.**

ACTION: Upon motion by Vice President Knox, the Board voted 4-0-1 (Commissioner Garcia absent) to reschedule the matter to July 12, 2006 at the written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 05-171**

YUE ZHEN OU, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	260 Kearny Street. Appealing a Health Permit Zoning Referral, dated July 20, 2005, addressed to Yue Zhen Ou, which disapproves the proposed massage establishment use because such use is not permitted within the C-3-O (Downtown Office) zoning district under § 218.1 of the Planning Code. JURISDICTION GRANTED OCT. 5, 2005. PUBLIC HEARING HELD & CLOSED ON DEC. 7, 2005. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for appellant to seek a solution.**

ACTION: Withdrawn by appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

ITEMS (6A) & (6B) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 06-005**

DEAN DYER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	296 Dalewood Way. Protesting the issuance on December 21, 2005, to Sandra Waugh Palmero, Permit to Alter a Building (on single-family house: new retaining wall in rear yard, maximum height at 7' – 0"). APPLICATION NO. 2005/09/27/3979. FOR HEARING TODAY.

(6B) **APPEAL NO. 06-006**

DEAN DYER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	292 Dalewood Way. Protesting the issuance on December 21, 2005, to James Wempe, Permit to Alter a Building (on single-family house: new retaining wall in rear yard, maximum height at 7' – 0"). APPLICATION NO. 2005/09/27/3974. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 4-0-1 (Commissioner Garcia absent) to reschedule both matters to June 14, 2006 at the written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 06-028**

KEVIN HICKS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1745-1755 Market Street. Appealing a Notice of Violation dated February 13, 2006, addressed to Faiq & Diana Khouri and Kevin Hicks, concerning the legality of the general advertising sign located on the western side of the building. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Knox, the Board voted 5-0 to uphold the Notice of Violation.

SPEAKERS: Jonas Ionin, PD; Alice Barkley, attorney for appellant; Jared Eigerman, attorney for Clear Channel; Faiq Khouri, subject property owner.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 06-045**

RISA TEITELBAUM, HILL STREET NEIGHBORS, & LIBERTY HILL NEIGHBORHOOD ASSOCIATION, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1058 Valencia Street. Protesting the issuance on March 17, 2006, to Chris Tsang, Permit to Alter a Building (install walk-in cooler/freezer, hood, sewer lines for new sinks and restroom, partition walls, relocate restrooms). APPLICATION NO. 2006/02/02/3626. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Knox, the Board voted 4-0-1 (Commissioner Garcia absent) to revoke the permit with the following finding: revocation done at the request of the permit holder.

SPEAKERS: Lee Quan, permit holder.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 06-047**

JEFF WONG, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2458 Bayshore Blvd. Appealing a determination dated March 13, 2006, addressed to Jeff Wong, regarding the proposal for a massage establishment at the subject property. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-1 (Vice President Knox dissented) to uphold the Zoning Administrator determination.

SPEAKERS: Jonas Ionin, PD; Jeffrey Allen, attorney for appellant; Leo McFadden, DBI; Jeff Wong, appellant.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 06-049**

SAVE OUR PRIVACY & PROPERTY VALUES ASSOCIATION, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	259 Staples Avenue. Protesting the issuance on March 14, 2006, to Herbert Yee & Judith Serin, Site Permit to Alter a Building (on single-family house: new room and bath over existing garage at rear; garage is separate structure at rear with access from private alley; no work at existing residence). APPLICATION NO. 2005/02/22/5935S. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Knox, the Board voted 5-0 to uphold the permit with revised plans as agreed to by the parties (drawing submitted at the hearing).

SPEAKERS: Caspar Mol, agent for appellant; Leal Charonnat, agent for permit holder.

PUBLIC COMMENT: None.

There being no further business, President Fung adjourned the meeting at 9:00 p.m.

Robert H Feld

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from official court reporter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JUNE 7, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

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(3) **ADDENDUM ITEMS:**

(3a) **REHEARING REQUEST:**

Subject property at 1070 Sanchez Street. Letter from Tracey Hughes, appellant, requesting rehearing of Appeal No(s). 06-036/037, decided on May 3, 2006. At that time, upon motion by Commissioner Albright, the Board voted 4-0-1 (Commissioner Garcia absent) to uphold both permits. Permit Holder(s): Sanchez LLC. Project: demolish a 2-story, single-family house with 1,000sf of ground floor area (BPA No. 2004/05/27/5002), and construct a 3-story, 2-unit building with 1,711 of ground floor area (BPA No. 2004/05/27/5004S).

(4) **APPEAL NO. 06-035**

THET YU NAING dba "SILVER ARCO", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	2190 Carroll Avenue. Appealing a 10-day suspension of a Tobacco Product Sales Establishment Permit, imposed on March 8, 2006. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-06-033. FOR HEARING TODAY.

(5) **APPEAL NO. 06-015**

SUNRISE SENIOR DEVELOPMENT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2420 Sutter Street. Appealing a determination dated January 6, 2006, addressed to Steven Vettel at Morrison & Foerster LLP, that the proposed dementia special care facility is a residential care facility, and a housing project subject to the inclusionary housing requirements of Planning Code § 315. PUBLIC HEARING HELD & CLOSED ON MARCH 15, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for Planning Staff to pursue possible legislative amendments, and for the OCA to review application of inclusionary housing requirements to assisted living situations.**

(6) **APPEAL NO. 06-048**

KARSTIN AXE-POISTER & OTIS TURNER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1856 Franklin Street. Protesting the issuance on March 13, 2006, to D. Harvie LLC, Permit to Alter a Building (on 8-unit apartment building: renew BPA No. 2005/07/06/6958 (enlarge garage opening from 8' to 12')). APPLICATION NO. 2006/03/13/6512. FOR HEARING TODAY.

(7) **APPEAL NO. 06-050**

RICHARD & HOLLY LAWSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1902 Green Street. Protesting the issuance on March 21, 2006, to Garry Rayant & Kathy Fields, Site Permit to Alter a Building (on single-family house: add additional floor; extend 2nd floor eight feet further to rear over existing 1st floor; add seismic bracing). APPLICATION NO. 2001/12/04/4492S. FOR HEARING TODAY.

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 06-054**

HENRY LAMAR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	47-49 Cortland Avenue. Protesting the issuance on April 5, 2006, to Ava Szeto, Permit to Alter a Building (on 2-unit building: remove illegal unit from garage area; remove illegal kitchen and bathroom from garage area; legalize laundry room; install two 1-hour doors with self closers in garage; cap all utilities at source; convert all other rooms to storage). APPLICATION NO. 2006/04/05/8265. FOR HEARING TODAY.

(8B) **APPEAL NO. 06-055**

EMILIA CHAVEZ & MONICA MARTINEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	47 Cortland Avenue. Protesting the issuance on April 5, 2006, to Ava Szeto, Permit to Alter a Building (on 2-unit building: remove illegal kitchen and illegal unit; existing unit was illegally divided into two units; cap all utilities at source). APPLICATION NO. 2006/04/05/8260. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **June 1, 2006**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	**PRESIDENT**
RANDALL KNOX	**VICE PRESIDENT**
KATHARINE ALBRIGHT	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
HISASHI B. SUGAYA	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER – TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net. THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber.
TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES- WEDNESDAY, JUNE 7, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: Vice President Randall Knox, Commissioner Hisashi Sugaya, Commissioner Katharine Albright and Commissioner Michael Garcia.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Jonas Ionin, Senior Planner, Planning Department (PD); Johnson Ojo, Dept. of Public Health (DPH);Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; Claudine Woeber, Official Court Reporter.

ABSENT: President Frank Fung

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKER: Tracy Hughes, appellant expressed her anger and frustration with the permit appeal process.

(2) COMMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

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(3) ADDENDUM ITEMS:

(3a) REHEARING REQUEST:

Subject property at 1070 Sanchez Street. Letter from Tracey Hughes, appellant, requesting rehearing of Appeal No(s). 06-036/037, decided on May 3, 2006. At that time, upon motion by Commissioner Albright, the Board voted 4-0-1 (Commissioner Garcia absent) to uphold both permits. Permit Holder(s): Sanchez LLC. Project: demolish a 2-story, single-family house with 1,000sf of ground floor area (BPA No. 2004/05/27/5002), and construct a 3-story, 2-unit building with 1,711 of ground floor area (BPA No. 2004/05/27/5004S).

ACTION: Upon motion by Commissioner Katharine Albright, the Board voted 4-0-1 (President Fung absent) to deny the rehearing request.

SPEAKERS: Tracy Hughes, appellant; Alice Barkley, attorney for permit holder.

PUBLIC COMMENT: Mary Ann Henningsen, great granddaughter of original occupant, urged the Board to save the building because of its historical connections. Joe Butler said the building should be saved because of its history as a survivor of the 1906 earthquake.

(4) **APPEAL NO. 06-035**

THET YU NAING dba "SILVER ARCO", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	2190 Carroll Avenue. Appealing a 10-day suspension of a Tobacco Product Sales Establishment Permit, imposed on March 8, 2006. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-06-033. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Katharine Albright, the Board voted 4-0-1 (President Fung absent) to uphold the 10-day suspension.

SPEAKERS: Johnson Ojo, DPH; Thet Yu Naing, appellant.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 06-015**

SUNRISE SENIOR DEVELOPMENT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2420 Sutter Street. Appealing a determination dated January 6, 2006, addressed to Steven Vettel at Morrison & Foerster LLP, that the proposed dementia special care facility is a residential care facility, and a housing project subject to the inclusionary housing requirements of Planning Code § 315. PUBLIC HEARING HELD & CLOSED ON MARCH 15, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for Planning Staff to pursue possible legislative amendments, and for the OCA to review application of inclusionary housing requirements to assisted living situations.**

ACTION: Upon motion by Commissioner Sugaya, the Board voted 4-0-1 (President Fung absent) to reschedule the matter to June 21, 2006 at the written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 06-048**

KARSTIN AXE-POISTER & OTIS TURNER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1856 Franklin Street. Protesting the issuance on March 13, 2006, to D. Harvie LLC, Permit to Alter a Building (on 8-unit apartment building: renew BPA No. 2005/07/06/6958 (enlarge garage opening from 8' to 12')). APPLICATION NO. 2006/03/13/6512. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya, the Board voted 4-0-1 (President Fung absent) to uphold the permit on a condition that elevation drawings be revised to show the as is and as proposed decorative treatment of façade (symmetrical fan design) and on condition that construction be limited to M-F, 8 a.m. to 5 p.m.

SPEAKERS: Dean Preston, attorney for appellants; Andrew Zacks, attorney for permit holder; Laurence Kornfield, DBI; John Pollard, agent for permit holder; Pat Buscovich, agent for permit holder.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 06-050**

RICHARD & HOLLY LAWSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1902 Green Street. Protesting the issuance on March 21, 2006, to Garry Rayant & Kathy Fields, Site Permit to Alter a Building (on single-family house: add additional floor; extend 2nd floor eight feet further to rear over existing 1st floor; add seismic bracing). APPLICATION NO. 2001/12/04/4492S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (President Fung absent) to reschedule the matter to August 16, 2006 at the written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 06-054**

HENRY LAMAR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	47-49 Cortland Avenue. Protesting the issuance on April 5, 2006, to Ava Szeto, Permit to Alter a Building (on 2-unit building: remove illegal unit from garage area; remove illegal kitchen and bathroom from garage area; legalize laundry room; install two 1-hour doors with self closers in garage; cap all utilities at source; convert all other rooms to storage). APPLICATION NO. 2006/04/05/8265. FOR HEARING TODAY.

(8B) **APPEAL NO. 06-055**

EMILIA CHAVEZ & MONICA MARTINEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	47 Cortland Avenue. Protesting the issuance on April 5, 2006, to Ava Szeto, Permit to Alter a Building (on 2-unit building: remove illegal kitchen and illegal unit; existing unit was illegally divided into two units; cap all utilities at source). APPLICATION NO. 2006/04/05/8260. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (President Fung absent) to uphold both permits.

SPEAKERS: Karen Hall, attorney for appellants; David Wasserman, attorney for permit holder; Tom Corbett , agent for permit holder; Henry Lamar, appellant; Laurence Kornfield, DBI; Jonas Ionin, PD.

PUBLIC COMMENT: None.

There being no further business, Vice President Knox adjourned the meeting at 7: 20 pm.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from official court reporter.

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JUNE 14, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

1/06

(2) COMMMISSIONERS COMMENTS & QUESTIONS:

06-09-07P03:14 RCVD

(3) ADDENDUM ITEMS:

(3a) REHEARING REQUEST:

Subject property at 4201-4211 Judah Street. Letter from Andrew Zacks, attorney for Bhazubai Patel, Appellant, requesting rehearing of Appeal No(s). 97-165, Patel vs. ZA, decided Feb. 18, 1998. Upon motion by Commissioner Salgado, the Board voted 1-4 (President Cullum, Vice President McInerney, Commissioner Chin and Commissioner Schwartz dissented) to uphold the subject determination. Two votes are needed to uphold a departmental action, and thus the motion failed. Afterwards, upon motion by Commissioner Schwartz, the Board voted 3-2 (President Cullum and Commissioner Salgado dissented) to overrule the subject determination. Four votes being necessary to overturn any departmental action, the motion failed, and thus the subject determination was upheld. Then, on April 1, 1998, the Board considered the request for rehearing by the appellant. At that time, upon motion by Commissioner Salgado, the Board voted 2-3 (Vice President McInerney, Commissioner Chin and Commissioner Schwartz dissented) to deny the request for rehearing. Afterwards, upon motion by Vice President McInerney, the Board voted 3-2 to continue the matter to await action by the Superior Court. **Note: This matter was returned to the Call of the Chair at the request of both parties in October, 2002.**

(3b) REHEARING REQUEST:

Subject property at 1179-1189 Tennessee Street. Letter from Regan Carroll, appellant, requesting rehearing of Appeal No. 06-041, Carroll Trust vs. ZA, decided May 17, 2006. At that time, upon motion by Commissioner Garcia, the Board voted 5-0 to uphold the ZA determination dated March 6, 2006, concerning the routing of all building permit applications, renewals, extensions, addendums, and revisions for the subject property.

(3c) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 737 Castro Street. Permits issued on July 5, 2005, August 22, 2005, and January 23, 2006. Last day to appeal was July 20, 2005, September 6, 2005, and February 7, 2006, respectively. Jurisdiction request(s) received on May 4, 2006. Letter from Isaac Abrams, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2005/07/05/6843, 2005/08/22/0845, and 2005/09/08/2285. Permit Holder(s): Jorge Chavez and Dean Ballback. Project, 1st permit: remodel two bathrooms and kitchen. Project, 2nd permit: replace portion of foundation, concrete cap, north side footing. Project, 3rd permit: remodel kitchen and baths; three new dormers in attic space; convert attic to master suite; new stairs. **Note:** Appeal No. 06-060, Abrams vs. DBI, PDA, filed on April 21, 2006, protesting a 4th permit (BPA No. 2006/04/18/9218), issued on April 18, 2006, is scheduled for hearing on June 14, 2006. Project, 4th permit: revision to BPA No. 2005/09/08/2285; show all new framing at rear room; lower back roof 18" and move railing 3' off south property line; landscape rear yard, retaining walls and fence; comply with NOV nos. 200561712, 20067313, and 200667626). **Further Note: the public hearing on this jurisdiction request was held and closed on May 24, 2006. For further consideration today.**

(4) APPEAL NO. 06-060

ISAAC ABRAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	737 Castro Street. Protesting the issuance on April 18, 2006, to Dean Ballback, Permit to Alter a Building (on single-family house: revision to BPA No. 2005/09/08/2285; show all new framing at rear room; lower back roof 18" and move railing 3' off south property line; landscape rear yard, retaining walls and fence; comply with NOV nos. 200561712, 20067313, and 200667626). APPLICATION NO. 2006/04/18/9218. FOR HEARING TODAY.

(5) APPEAL NO. 06-059

RUKHSANA TASNEEM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1631 Shafter Street. Appealing the imposition of penalty imposed on April 21, 2006, for work done without a permit (on single-family house: legalize storage rooms; repair window; repair sheetrock). APPLICATION NO. 2006/04/17/9153. FOR HEARING TODAY.

ITEMS (6A) & (6B) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 06-005**

DEAN DYER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	296 Dalewood Way. Protesting the issuance on December 21, 2005, to Sandra Waugh Palmero, Permit to Alter a Building (on single-family house: new retaining wall in rear yard, maximum height at 7' – 0"). APPLICATION NO. 2005/09/27/3979. FOR HEARING TODAY.

(6B) **APPEAL NO. 06-006**

DEAN DYER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	292 Dalewood Way. Protesting the issuance on December 21, 2005, to James Wempe, Permit to Alter a Building (on single-family house: new retaining wall in rear yard, maximum height at 7' – 0"). APPLICATION NO. 2005/09/27/3974. FOR HEARING TODAY.

(7) **APPEAL NO. 06-062**

JONATHAN LOIACONO & PATRICE THOMPSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	442 – 41st Avenue. Protesting the issuance on April 20, 2006, to Albert DiPadova, Permit to Alter a Building (on single-family house: deck addition, 15' X 12', at rear yard). APPLICATION NO. 2006/04/20/9516. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **June 8, 2006**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	**PRESIDENT**
RANDALL KNOX	**VICE PRESIDENT**
KATHARINE ALBRIGHT	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
HISASHI B. SUGAYA	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER – TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net. THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber.
TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

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MEETING MINUTES - WEDNESDAY, JUNE 14, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Randall Knox, Commissioner Hisashi Sugaya, Commissioner Katharine Albright and Commissioner Michael Garcia.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Jonas Ionin, Senior Planner, Planning Department (PD); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; Claudine Woeber, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

DOCUMENTS DEPT.

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(3) ADDENDUM ITEMS:

(3a) REHEARING REQUEST:

Subject property at 4201-4211 Judah Street. Letter from Andrew Zacks, attorney for Bhazubai Patel, Appellant, requesting rehearing of Appeal No(s). 97-165, Patel vs. ZA, decided Feb. 18, 1998. Upon motion by Commissioner Salgado, the Board voted 1-4 (President Cullum, Vice President McInerney, Commissioner Chin and Commissioner Schwartz dissented) to uphold the subject determination. Two votes are needed to uphold a departmental action, and thus the motion failed. Afterwards, upon motion by Commissioner Schwartz, the Board voted 3-2 (President Cullum and Commissioner Salgado dissented) to overrule the subject determination. Four votes being necessary to overturn any departmental action, the motion failed, and thus the subject determination was upheld. Then, on April 1, 1998, the Board considered the request for rehearing by the appellant. At that time, upon motion by Commissioner Salgado, the Board voted 2-3 (Vice President McInerney, Commissioner Chin and Commissioner Schwartz dissented) to deny the request for rehearing. Afterwards, upon motion by Vice President McInerney, the Board voted 3-2 to continue the matter to await action by the Superior Court. **Note: This matter was returned to the Call of the Chair at the request of both parties in October, 2002.**

ACTION: Rescheduled with mailed notices to July 19, 2006.

SPEAKERS: None.

PUBLIC COMMENT: None.

(3b) REHEARING REQUEST:

Subject property at 1179-1189 Tennessee Street. Letter from Regan Carroll, appellant, requesting rehearing of Appeal No. 06-041, Carroll Trust vs. ZA, decided May 17, 2006. At that time, upon motion by Commissioner Garcia, the Board voted 5-0 to uphold the ZA determination dated March 6, 2006, concerning the routing of all building permit applications, renewals, extensions, addendums, and revisions for the subject property.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to deny the rehearing request.

SPEAKERS: Regan Carroll, appellant.

PUBLIC COMMENT: None.

(3c) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 737 Castro Street. Permits issued on July 5, 2005, August 22, 2005, and January 23, 2006. Last day to appeal was July 20, 2005, September 6, 2005, and February 7, 2006, respectively. Jurisdiction request(s) received on May 4, 2006. Letter from Isaac Abrams, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2005/07/05/6843, 2005/08/22/0845, and 2005/09/08/2285. Permit Holder(s): Jorge Chavez and Dean Ballback. Project, 1st permit: remodel two bathrooms and kitchen. Project, 2nd permit: replace portion of foundation, concrete cap, north side footing. Project, 3rd permit: remodel kitchen and baths; three new dormers in attic space; convert attic to master suite; new stairs. **Note:** Appeal No. 06-060, Abrams vs. DBI, PDA, filed on April 21, 2006, protesting a 4th permit (BPA No. 2006/04/18/9218), issued on April 18, 2006, is scheduled for hearing on June 14, 2006. Project, 4th permit: revision to BPA No. 2005/09/08/2285; show all new framing at rear room; lower back roof 18" and move railing 3' off south property line; landscape rear yard, retaining walls and fence; comply with NOV nos. 200561712, 20067313, and 200667626). **Further Note: the public hearing on this jurisdiction request was held and closed on May 24, 2006. For further consideration today.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to grant the jurisdiction request for permit #2, and to deny the jurisdiction request for permits #1and #3, with the appeal on permit #2 to be heard on July 12, 2006.

SPEAKERS: Isaac Abrams, requestor; Jeremy Paul, agent for permit holder; Laurence Kornfield, DBI; Jonas Ionin, PD.

PUBLIC COMMENT: None.

) APPEAL NO. 06-060

SAAC ABRAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	737 Castro Street. Protesting the issuance on April 18, 2006, to Dean Ballback, Permit to Alter a Building (on single-family house: revision to BPA No. 2005/09/08/2285; show all new framing at rear room; lower back roof 18" and move railing 3' off south property line; landscape rear yard, retaining walls and fence; comply with NOV nos. 200561712, 20067313, and 200667626). APPLICATION NO. 2006/04/18/9218. FOR HEARING TODAY.

CTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to continue the matter to uly 12, 2006.

PEAKERS: Isaac Abrams, appellant; Jeremy Paul, agent for permit holder; Laurence Kornfield, BI; Jonas Ionin, PD.

UBLIC COMMENT: None.

(5) APPEAL NO. 06-059

RUKHSANA TASNEEM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1631 Shafter Street. Appealing the imposition of penalty imposed on April 21, 2006, for work done without a permit (on single-family house: legalize storage rooms; repair window; repair sheetrock). APPLICATION NO. 2006/04/17/9153. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5-0 to reduce the penalty to two times the regular fee.

SPEAKER: Mohammad Imran Anjum, agent for appellant.

PUBLIC COMMENT: None.

ITEMS (6A) & (6B) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 06-005**

DEAN DYER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	296 Dalewood Way. Protesting the issuance on December 21, 2005, to Sandra Waugh Palmero, Permit to Alter a Building (on single-family house: new retaining wall in rear yard, maximum height at 7' – 0"). APPLICATION NO. 2005/09/27/3979. FOR HEARING TODAY.

(6B) **APPEAL NO. 06-006**

DEAN DYER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	292 Dalewood Way. Protesting the issuance on December 21, 2005, to James Wempe, Permit to Alter a Building (on single-family house: new retaining wall in rear yard, maximum height at 7' – 0"). APPLICATION NO. 2005/09/27/3974. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Sugaya , the Board voted 5-0 to uphold both permits on condition that revised plans be submitted implementing the recommendations of Mr. Mathison, and on condition that DBI give notice to the appellant regarding the submittal of said revised plans.

SPEAKERS: Laurence Kornfield, DBI; Richard Grabstein, attorney for appellant; Leslie Johnson, attorney for permit holders.

PUBLIC COMMENT: None

(7) **APPEAL NO. 06-062**

JONATHAN LOIACONO & PATRICE THOMPSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	442 – 41st Avenue. Protesting the issuance on April 20, 2006, to Albert DiPadova, Permit to Alter a Building (on single-family house: deck addition, 15' X 12', at rear yard). APPLICATION NO. 2006/04/20/9516. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to reschedule the matter to June 21, 2006; afterwards, upon motion by Commissioner Sugaya, the Board voted 5-0 to rescind the motion to reschedule; and finally, upon motion by Vice President Knox, the Board voted 5-0 to uphold the permit.

SPEAKERS: Jeremy Paul, agent for permit holder; Jonathan Loiacono, co-appellant; Laurence Kornfield, DBI.

PUBLIC COMMENT: None

There being no further business, President Fung adjourned the meeting at 8: 05 pm.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from official court reporter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JUNE 21, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS:

(3a) REHEARING REQUEST:

Subject property at 504 – 6th Street. Letter from Lawrence Badiner, Zoning Administrator, requesting rehearing of Appeal No. 06-039, Hicks vs. DBI, PDD, decided May 17, 2006. At that time, upon motion by Commissioner Garcia, the Board voted 5-0 to overrule the denial, and grant the permit, with findings to be adopted at a later date. Project: construction of sign (ground, non-electric, single-faced, 14' X 48', with 672sf of total surface area), BPA No. 2005/10/11/5200. **Note: If this rehearing request is granted, a rehearing shall be scheduled for a subsequent date, and the adoption of findings (Item 3b) shall be moot.**

(3b) ADOPTION OF FINDINGS:

Subject property at 504 – 6th Street. Appeal No. 06-039, Hicks vs. DBI, PDD, decided May 17, 2006. At that time, upon motion by Commissioner Garcia, the Board voted 5-0 to overrule the denial, and grant the permit, with findings to be adopted at a later date. Project: construction of sign (ground, non-electric, single-faced, 14' X 48', with 672sf of total surface area), BPA No. 2005/10/11/5200.

(3c) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 2955 – 26th Street. Permit issued on March 3, 2006. Last day to appeal was March 20, 2006. Jurisdiction request received on May 30, 2006. Letter from Raquel Fox, attorney for Irma Valdez, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2006/03/03/5924. Permit Holder: Anhu Hua. Project: remove kitchen in basement, and convert full bath to half bath at ground floor; comply with NOV No. 200565040.

(3d) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 600 Fillmore Street. Permit issued on May 10, 2006. Last day to appeal was May 25, 2006. Jurisdiction request received on June 5, 2006. Letter from Jeremy Paul, requestor, asking that the Board take jurisdiction over Electrical Permit No. EW2006/05/10/387. Permit Holder: David Peterson. Project: new laundromat.

(4) APPEAL NO. 06-015

SUNRISE SENIOR DEVELOPMENT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2420 Sutter Street. Appealing a determination dated January 6, 2006, addressed to Steven Vettel at Morrison & Foerster LLP, that the proposed dementia special care facility is a residential care facility, and a housing project subject to the inclusionary housing requirements of Planning Code § 315. PUBLIC HEARING HELD & CLOSED ON MARCH 15, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for Planning Staff to pursue possible legislative amendments, and for the OCA to review application of inclusionary housing requirements to assisted living projects.**

(5) APPEAL NO. 06-067

ELENA DAL SANTO, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	2750 Greenwich Street. Appealing the denial on April 21, 2006, of Permit to Remove and Replace One (1) Tree. ORDER NO. 175,963. FOR HEARING TODAY.

(6) **APPEAL NO. 06-064**

FREDERICKA ANNE COLEMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3 Carpenter Court. Appealing the imposition of penalty imposed on April 28, 2006, for work done without a permit (on single-family house: Join deck railing tops with wooden brackets; join railing to house with steel brackets; replace beam, post and joists; replace decking as needed). APPLICATION NO. 2006/04/14/8959. FOR HEARING TODAY.

(7) **APPEAL NO. 06-038**

MICHAEL PATEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	432 Geary Street. Appealing the denial on August 9, 2005, of Permit to Erect a Sign (non-electric, wall, single-faced, painted wall, 30' X 59', with 1,770sf of total surface area). APPLICATION NO. 2002/02/01/8317. JURISDICTION GRANTED MARCH 1, 2006. FOR HEARING TODAY.

(8) **APPEAL NO. 06-063**

KAI NG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1459 – 22nd Avenue. Protesting the issuance on April 17, 2006, to Jason Chan, Site Permit to Alter a Building (on single-family house: horizontal addition). APPLICATION NO. 2005/12/05/9527S. FOR HEARING TODAY.

(9) **APPEAL NO. 06-065**

LES NATALI, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	531 Castro Street. Appealing a Permit Suspension Request, addressed to Amy Lee, Acting Director of the Dept. of Building Inspection, asking that Building Permit Application No. 2005/05/03/1487 be suspended because the scope of the proposed work may not comply with the Planning Code. FOR HEARING TODAY.

(10) **APPEAL NO. V06-066**

AMY McDOUGALL, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1736-1740 Filbert Street. Appealing the conditions placed on the granting of Rear Yard and Dwelling Unit Exposure Variances (proposal is to construct a new 3-story over 3-car garage, single-family building at the front of the lot). VARIANCE CASE NO. 2005.0746V. FOR HEARING TODAY.

(11) **APPEAL NO. 06-068**

ANDRES & LIZZIE JEREMI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2347 – 18th Avenue. Protesting the issuance on March 13, 2006, to I. Ming Chu, Permit to Alter a Building (on single-family house: construct single-level deck at rear and side of building, and repair stair). APPLICATION NO. 2006/03/13/6555. JURISDICTION GRANTED 04/19/2006. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **June 15, 2006**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	**PRESIDENT**
RANDALL KNOX	**VICE PRESIDENT**
KATHARINE ALBRIGHT	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
HISASHI B. SUGAYA	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER – TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net. THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

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ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES- WEDNESDAY, JUNE 21, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Randall Knox, Commissioner Hisashi Sugaya, Commissioner Katharine Albright, and Commissioner Michael Garcia.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Ron Tom, Chief Building Inspector, Dept. of Building Inspection (DBI); Craig Nikitas, Senior Planner, Planning Department (PD); Cara Short, Urban Forester, Dept. of Public Works Bureau of Urban Forestry (DPW BUF); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; Claudine Woeber, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

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(3) ADDENDUM ITEMS:

(3a) REHEARING REQUEST:

Subject property at 504 – 6th Street. Letter from Lawrence Badiner, Zoning Administrator, requesting rehearing of Appeal No. 06-039, Hicks vs. DBI, PDD, decided May 17, 2006. At that time, upon motion by Commissioner Garcia, the Board voted 5-0 to overrule the denial, and grant the permit, with findings to be adopted at a later date. Project: construction of sign (ground, non-electric, single-faced, 14' X 48', with 672sf of total surface area), BPA No. 2005/10/11/5200. **Note: If this rehearing request is granted, a rehearing shall be scheduled for a subsequent date, and the adoption of findings (Item 3b) shall be moot.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to grant the rehearing request and to set the rehearing for August 16, 2006, with briefs due two Thrusdays prior, and rebuttals due one Thursday prior.

SPEAKER: Craig Nikitas, PD; Alice Barkley, attorney for appellant; Jared Eigerman, attorney for Clear Channel.

PUBLIC COMMENT: None.

(3b) ADOPTION OF FINDINGS:

Subject property at 504 – 6th Street. Appeal No. 06-039, Hicks vs. DBI, PDD, decided May 17, 2006. At that time, upon motion by Commissioner Garcia, the Board voted 5-0 to overrule the denial, and grant the permit, with findings to be adopted at a later date. Project: construction of sign (ground, non-electric, single-faced, 14' X 48', with 672sf of total surface area), BPA No. 2005/10/11/5200.

ACTION: With granting of rehearing request (Item 3a), this matter became moot.

SPEAKERS: None.

PUBLIC COMMENT: None.

(3c) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 2955 – 26th Street. Permit issued on March 3, 2006. Last day to appeal was March 20, 2006. Jurisdiction request received on May 30, 2006. Letter from Raquel Fox, attorney for Irma Valdez, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2006/03/03/5924. Permit Holder: Anhu Hua. Project: remove kitchen in basement, and convert full bath to half bath at ground floor; comply with NOV No. 200565040.

ACTION: Upon motion by Vice President Knox, the Board voted 4-0-1 (Commissioner Albright absent) to grant the jurisdiction request.

SPEAKER: Jill Cartwright and Katia Bloom, agents for requestor; Colin Tam, agent for permit holder; Ron Tom, DBI; Craig Nikitas, PD.

PUBLIC COMMENT: None.

(3d) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 600 Fillmore Street. Permit issued on May 10, 2006. Last day to appeal was May 25, 2006. Jurisdiction request received on June 5, 2006. Letter from Jeremy Paul, requestor, asking that the Board take jurisdiction over Electrical Permit No. EW2006/05/10/387. Permit Holder: David Peterson. Project: new laundromat.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to deny the jurisdiction request.

SPEAKER: Jeremy Paul, requestor; John Pollard, agent for permit holder; David Peterson, permit holder; Craig Nikitas, PD.

PUBLIC COMMENT: Cynthia Crews spoke in favor of the permit holder; Mark Hamilton and Magie Crystal spoke in favor of the requestor.

(4) **APPEAL NO. 06-015**

SUNRISE SENIOR DEVELOPMENT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2420 Sutter Street. Appealing a determination dated January 6, 2006, addressed to Steven Vettel at Morrison & Foerster LLP, that the proposed dementia special care facility is a residential care facility, and a housing project subject to the inclusionary housing requirements of Planning Code § 315. PUBLIC HEARING HELD & CLOSED ON MARCH 15, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for Planning Staff to pursue possible legislative amendments, and for the OCA to review application of inclusionary housing requirements to assisted living projects.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Commissioner Albright absent) to reschedule the matter to July 19, 2006 at the written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 06-067**

ELENA DAL SANTO, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	2750 Greenwich Street. Appealing the denial on April 21, 2006, of Permit to Remove and Replace One (1) Tree. ORDER NO. 175,963. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to overrule the denial, and grant the permit on condition that the replacement tree be of a 36" box size or larger at the discretion of the DPW BUF, and be of a species suitable to DPW BUF.

SPEAKERS: Carla Short, DPW BUF; Elena Dal Santo, appellant.

PUBLIC COMMENT: Cole Coleman spoke in favor of the DPW BUF decision.

(6) **APPEAL NO. 06-064**

FREDERICKA ANNE COLEMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3 Carpenter Court. Appealing the imposition of penalty imposed on April 28, 2006, for work done without a permit (on single-family house: Join deck railing tops with wooden brackets; join railing to house with steel brackets; replace beam, post and joists; replace decking as needed). APPLICATION NO. 2006/04/14/8959. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5-0 to reduce the penalty to two times the regular fee.

SPEAKERS: Ron Tom, DBI; Fredericka Anne Coleman, Appellant; Cole Coleman, agent for appellant.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 06-038**

MICHAEL PATEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	432 Geary Street. Appealing the denial on August 9, 2005, of Permit to Erect a Sign (non-electric, wall, single-faced, painted wall, 30' X 59', with 1,770sf of total surface area). APPLICATION NO. 2002/02/01/8317. JURISDICTION GRANTED MARCH 1, 2006. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 3-2 (Commissioner Sugaya and Commissioner Albright dissented) to reschedule the matter to July 19, 2006.

SPEAKERS: Craig Nikitas, PD; Brendan Hallinan, attorney for appellant.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 06-063**

KAI NG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1459 – 22nd Avenue. Protesting the issuance on April 17, 2006, to Jason Chan, Site Permit to Alter a Building (on single-family house: horizontal addition). APPLICATION NO. 2005/12/05/9527S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to uphold the permit.

SPEAKERS: Jimmy Ng, agent for appellant; Lincoln Lue, agent for permit holder; Craig Nikitas, PD; Michael Hom, agent for permit holder; Jason Chan, permit holder.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 06-065**

LES NATALI, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	531 Castro Street. Appealing a Permit Suspension Request, addressed to Amy Lee, Acting Director of the Dept. of Building Inspection, asking that Building Permit Application No. 2005/05/03/1487 be suspended because the scope of the proposed work may not comply with the Planning Code. FOR HEARING TODAY.

ACTION: Withdrawn by appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

(10) **APPEAL NO. V06-066**

AMY McDOUGALL, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1736-1740 Filbert Street. Appealing the conditions placed on the granting of Rear Yard and Dwelling Unit Exposure Variances (proposal is to construct a new 3-story over 3-car garage, single-family building at the front of the lot). VARIANCE CASE NO. 2005.0746V. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5-0 to uphold the variance on condition that the roof assembly be changed to a 1-hour roof assembly so as to reduce the parapet to a curb of minimum height.

SPEAKERS: Craig Nikitas, PD; Amy McDougall, appellant.

PUBLIC COMMENT: Stephen Williams, attorney for neighbors, said that the project will be injurious to neighbors and that a full build out of the 6600 square foot house is too big for San Francisco. Norman Leong agrees with the ZA's compromise decision, which reduces the impacts to his sister's property next door. Dennis Wong also spoke in favor of the ZA's variance decision. Kathryn Wong said that the project will impact air quality and parking, and that the project is out of scale.

(11) **APPEAL NO. 06-068**

ANDRES & LIZZIE JEREMI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2347 – 18th Avenue. Protesting the issuance on March 13, 2006, to I. Ming Chu, Permit to Alter a Building (on single-family house: construct single-level deck at rear and side of building, and repair stair). APPLICATION NO. 2006/03/13/6555. JURISDICTION GRANTED 04/19/2006. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to uphold the permit.

SPEAKER: Lizzie Jeremi, appellant; I. Ming Chu, permit holder; Craig Nikitas, PD.

PUBLIC COMMENT: None.

There being no further business, President Fung adjourned the meeting at 9:00 p.m.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from official court reporter.

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JULY 12, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

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(2) COMMMISSIONERS COMMENTS & QUESTIONS:

(2a) RESOLUTION OF APPRECIATION FOR COMMISSIONER SUGAYA:

For discussion and adoption.

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(3) ADDENDUM ITEMS:

(3a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 3622 – 22nd Street. Permit issued on April 6, 2006. Last day to appeal was April 21, 2006. Jurisdiction request(s) received on June 8, 2006. Letter from Peter Birmingham, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2004/10/04/5856S. Permit Holder(s): Douglas Durkin. Project: 2nd floor master suite addition; stair tower addition; new deck at 1st floor.

(3b) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 771 – 27th Street. Permit issued on June 2, 2006. Last day to appeal was June 19, 2006. Jurisdiction request(s) received on June 22, 2006. Letter from Barbara Klementz & Julie Wasem, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2005/06/06/4276S. Permit Holder(s): Gerry Agosta. Project: vertical addition; horizontal addition; interior alteration.

(4) **APPEAL NO. 06-070**

DEYO FAMILY TRUST, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	170 St. Germain Avenue. Protesting the issuance on April 24, 2006, to Mila Alemasov, Site Permit to Alter a Building (on single-family house: extension of building; horizontal addition). APPLICATION NO. 2003/07/31/0905S. FOR HEARING TODAY.

(5) **APPEAL NO. 03-031**

MARILYN AMINI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	320 Wawona Street. Protesting the issuance on Feb. 5, 2003, to Bethany Chaney & Bridget Wylie, Permit to Alter a Building (on single-family house: renew for final only, for Building Permit Application No(s). 2000/02/23/2533, which was for installation of 21 vinyl windows in kind, into existing frames, no change in size or location, and no structural changes) APPLICATION NO. 2003/02/05/6749. FOR HEARING TODAY. **Note: placed on Call of Chair on May 14, 2003 while appellant awaits determinations from the DBI.**

ITEMS 6A & 6B SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 06-060**

ISAAC ABRAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	737 Castro Street. Protesting the issuance on April 18, 2006, to Dean Ballback, Permit to Alter a Building (on single-family house: revision to BPA No. 2005/09/08/2285; show all new framing at rear room; lower back roof 18" and move railing 3' off south property line; landscape rear yard, retaining walls and fence; comply with NOV nos. 200561712, 20067313, and 200667626). APPLICATION NO. 2006/04/18/9218. PUBLIC HEARING HELD & CLOSED ON JUNE 14, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow permit holder time to meet with Planning Staff regarding variance issue.**

6B) APPEAL NO. 06-093

ISAAC ABRAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	737 Castro Street. Protesting the issuance on August 22, 2005, to Dean Ballback, Permit to Alter a Building (on single-family house: replace portion of foundation; concrete cap; north side footing). APPLICATION NO. 2005/08/22/0845. JURISDICTION GRANTED 06/14/2006. FOR HEARING TODAY.

(7) APPEAL NO. 06-074

GONZALO CASTRO, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	871 Turk Street. Appealing the denial on April 30, 2006, of Permit to Remove and Replace Three (3) Trees. ORDER NO. 176,012. FOR HEARING TODAY.

(8) APPEAL NO. 06-071

WILLIAM BURKE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3775 – 21st Street. Protesting the issuance on April 21, 2006, to Dewey Tong, Site Permit to Alter a Building (on single-family house: 2nd story addition consisting of 2 bedrooms and 2 bathrooms; remodel of 1st floor bedroom and dining room; new windows and French doors; exterior finishes). APPLICATION NO. 2004/07/20/9327S. FOR HEARING TODAY.

(9) APPEAL NO. 06-072

ROBERT RINAURO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3869 – 26th Street. Protesting the issuance on April 28, 2006, to Bob Michitarian, Permit to Alter a Building (on single-family house: rear yard addition). APPLICATION NO. 2005/09/28/4121. FOR HEARING TODAY.

(10) **APPEAL NO. 06-073**

KAM & SOO WONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	700 – 4th Avenue. Protesting the issuance on April 28, 2006, to Korean Covenant Church, Site Permit to Alter a Building (change occupancy with maximum at 100 persons; add elevator; revise exiting; revise property line fire walls; legalize ground floor kitchen and dining; variance for rear yard exit stair case, variance case no. 2004.0613V). APPLICATION NO. 2005/06/08/4603S. FOR HEARING TODAY.

(11) **APPEAL NO. V06-075**

SONDRA LEQVE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	331 Filbert Street. Protesting the granting on May 2, 2006, to Peter Dwares, Rear Yard Variance (construct an elevator, serving all four levels of the building, along the westerly edge of the rear balcony in the required rear yard). VARIANCE CASE NO. 2004.0680V. FOR HEARING TODAY.

(12) **APPEAL NO. V06-076**

SONDRA LEQVE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	110 Alta Street. Protesting the granting on May 2, 2006, to Peter Dwares, Modification of Existing Rear Yard Variance (add a bedroom at the rear of the middle unit in this three-unit residential building). VARIANCE CASE NO. 2004.0681V. FOR HEARING TODAY.

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Date posted: **July 6, 2006**

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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DEPARTMENT 41

Board of Appeals

July 12, 2006

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JULY 12, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

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PRESENT: President Frank Fung, Vice President Randall Knox and Commissioner Michael Garcia.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Jonas Ionin, Senior Planner, Planning Department (PD); Carla Short, Dept. of Public Works, Bureau of Urban Forestry (DPW BUF); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; Claudine Woeber, Official Court Reporter.

ABSENT: Commissioner Katharine Albright.

VACANCY: One Seat.

(1) **PUBLIC COMMENT:**

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SPEAKER: Kimberly Lauer explained that conditions for 201 College Avenue case are not being met.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

(2a) RESOLUTION OF APPRECIATION FOR COMMISSIONER SUGAYA:

ACTION: Adopted.

(3) ADDENDUM ITEMS:

(3a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 3622 – 22nd Street. Permit issued on April 6, 2006. Last day to appeal was April 21, 2006. Jurisdiction request(s) received on June 8, 2006. Letter from Peter Birmingham, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2004/10/04/5856S. Permit Holder(s): Douglas Durkin. Project: 2nd floor master suite addition; stair tower addition; new deck at 1st floor.

ACTION: Upon motion by Commissioner Garcia, the Board voted 3-0-1 (Commissioner Albright absent) to deny the jurisdiction request.

SPEAKER: Ellen Mendelson, attorney for requestor; Karen Birmingham, wife of requestor; Earl Weiss, agent for permit holder; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(3b) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 771 – 27th Street. Permit issued on June 2, 2006. Last day to appeal was June 19, 2006. Jurisdiction request(s) received on June 22, 2006. Letter from Barbara Klementz & Julie Wasem, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2005/06/06/4276S. Permit Holder(s): Gerry Agosta. Project: vertical addition; horizontal addition; interior alteration.

ACTION: Upon motion by Vice President Knox the Board voted 3-0-1 (Commissioner Albright absent), to grant the jurisdiction request.

SPEAKER: Matthew Brennan, attorney for permit holder; Barbara Klementz, requestor; Julie Wasem, requestor; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(4) APPEAL NO. 06-070

DEYO FAMILY TRUST, Appellant (s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	170 St. Germain Avenue. Protesting the issuance on April 24, 2006, to Mila Alemasov, Site Permit to Alter a Building (on single-family house: extension of building; horizontal addition). APPLICATION NO. 2003/07/31/0905S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia the Board voted 3-0-1 (Commissioner Albright absent) to uphold the permit.

SPEAKERS: Walter Caplan, attorney for appellant; Mila AlemasoV, permit holder; Wayne Campbell, agent for permit holder; Jonas Ionin, PD.

PUBLIC COMMENT: None.

(5) APPEAL NO. 03-031

MARILYN AMINI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	320 Wawona Street. Protesting the issuance on Feb. 5, 2003, to Bethany Chaney & Bridget Wylie, Permit to Alter a Building (on single-family house: renew for final only, for Building Permit Application No(s). 2000/02/23/2533, which was for installation of 21 vinyl windows in kind, into existing frames, no change in size or location, and no structural changes) APPLICATION NO. 2003/02/05/6749. FOR HEARING TODAY. **Note: placed on Call of Chair on May 14, 2003 while appellant awaits determinations from the DBI.**

ACTION: Upon motion by Vice President Knox, the Board voted 3-0-1 (Commissioner Albright absent) to uphold the permit.

SPEAKERS: Marilyn Amini, appellant; Bridget Wylie, co-permit holder;

Laurence Kornfield, DBI.; Jonas Ionin, PD.

PUBLIC COMMENT: None.

ITEMS 6A & 6B SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 06-060**

ISAAC ABRAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	737 Castro Street. Protesting the issuance on April 18, 2006, to Dean Ballback, Permit to Alter a Building (on single-family house: revision to BPA No. 2005/09/08/2285; show all new framing at rear room; lower back roof 18" and move railing 3' off south property line; landscape rear yard, retaining walls and fence; comply with NOV nos. 200561712, 20067313, and 200667626). APPLICATION NO. 2006/04/18/9218. PUBLIC HEARING HELD & CLOSED ON JUNE 14, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow permit holder time to meet with Planning Staff regarding variance issue.**

(6B) **APPEAL NO. 06-093**

ISAAC ABRAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	737 Castro Street. Protesting the issuance on August 22, 2005, to Dean Ballback, Permit to Alter a Building (on single-family house: replace portion of foundation; concrete cap; north side footing). APPLICATION NO. 2005/08/22/0845. JURISDICTION GRANTED 06/14/2006. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 3-0-1 (Commissioner Albright absent) to reschedule the matter to July 26, 2006.

SPEAKERS: Jeremy Paul, agent for permit holder; Isaac Abrams, appellant; Jonas Ionin, PD.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 06-074**

GONZALO CASTRO, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	871 Turk Street. Appealing the denial on April 30, 2006, of Permit to Remove and Replace Three (3) Trees. ORDER NO. 176,012. FOR HEARING TODAY.

ACTION: Withdrawn verbally by appellant at hearing.

SPEAKERS: Gonzalo Castro, appellant; Carla Short, DPW BUF.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 06-071**

WILLIAM BURKE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3775 – 21st Street. Protesting the issuance on April 21, 2006, to Dewey Tong, Site Permit to Alter a Building (on single-family house: 2nd story addition consisting of 2 bedrooms and 2 bathrooms; remodel of 1st floor bedroom and dining room; new windows and French doors; exterior finishes). APPLICATION NO. 2004/07/20/9327S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 3-0-1 (Commissioner Albright absent) to uphold the permit.

SPEAKERS: Brett Gladstone, attorney for permit holder; William Burke, appellant; Jonas Ionin, PD.

PUBLIC COMMENT: None.

(9) APPEAL NO. 06-072

ROBERT RINAURO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3869 – 26th Street. Protesting the issuance on April 28, 2006, to Bob Michitarian, Permit to Alter a Building (on single-family house: rear yard addition). APPLICATION NO. 2005/09/28/4121. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Knox, the Board voted 3-0-1 (Commissioner Albright absent) to uphold the permit.

SPEAKERS: Robert Rinauro, appellant; Andre Rothblatt, agent for permit holder; Robert Michitarian, permit holder; Nelson Cheung, agent for permit holder; Laurence Kornfield, DBI.; Jonas Ionin, PD.

PUBLIC COMMENT: Debra King said that the permit holders are not dedicated to good neighbor policy and addition will block neighbor's afternoon light; Mark Giberson said that the real issue is light and the tree has been a problem for many years. Heinfried Block said the project will reduce light on appellant's windows.

(10) APPEAL NO. 06-073

KAM & SOO WONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	700 – 4th Avenue. Protesting the issuance on April 28, 2006, to Korean Covenant Church, Site Permit to Alter a Building (change occupancy with maximum at 100 persons; add elevator; revise exiting; revise property line fire walls; legalize ground floor kitchen and dining; variance for rear yard exit stair case, variance case no. 2004.0613V). APPLICATION NO. 2005/06/08/4603S. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Knox, the Board voted 3-0-1 (Commissioner Albright absent) to continue the matter to July 26, 2006, with the public hearing closed.

SPEAKERS: Lawrence Wong, agent for appellants; Debra Stein, attorney for permit holder; Harvey Hacker, agent for permit holder; Jonas Ionin, PD.

PUBLIC COMMENT: Yasmin Scalon spoke in favor of the appellants' appeal.

(11) **APPEAL NO. V06-075**

SONDRA LEQVE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	331 Filbert Street. Protesting the granting on May 2, 2006, to Peter Dwares, Rear Yard Variance (construct an elevator, serving all four levels of the building, along the westerly edge of the rear balcony in the required rear yard). VARIANCE CASE NO. 2004.0680V. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Knox, the Board voted 3-0-1 (Commissioner Albright absent) to reschedule the matter to August 30, 2006 at the written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(12) **APPEAL NO. V06-076**

SONDRA LEQVE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	110 Alta Street. Protesting the granting on May 2, 2006, to Peter Dwares, Modification of Existing Rear Yard Variance (add a bedroom at the rear of the middle unit in this three-unit residential building). VARIANCE CASE NO. 2004.0681V. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Knox, the Board voted 3-0-1 (Commissioner Albright absent) to reschedule the matter to August 30, 2006 at the written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

There being no further business, President Fung adjourned the meeting at 9: 00 pm.

____
Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from official court reporter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JULY 19, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS:

(3a) REHEARING REQUEST:

Subject property at 4201-4211 Judah Street. Letter from Andrew Zacks, attorney for Bhazubai Patel, Appellant, requesting rehearing of Appeal No(s). 97-165, Patel vs. ZA, decided Feb. 18, 1998. Upon motion by Commissioner Salgado, the Board voted 1-4 (President Cullum, Vice President McInerney, Commissioner Chin and Commissioner Schwartz dissented) to uphold the subject determination. Two votes are needed to uphold a departmental action, and thus the motion failed. Afterwards, upon motion by Commissioner Schwartz, the Board voted 3-2 (President Cullum and Commissioner Salgado dissented) to overrule the subject determination. Four votes being necessary to overturn any departmental action, the motion failed, and thus the subject determination was upheld. Then, on April 1, 1998, the Board considered the request for rehearing by the appellant. At that time, upon motion by Commissioner Salgado, the Board voted 2-3 (Vice President McInerney, Commissioner Chin and Commissioner Schwartz dissented) to deny the request for rehearing. Afterwards, upon motion by Vice President McInerney, the Board voted 3-2 to continue the matter to await action by the Superior Court. **Note: This matter was returned to the Call of the Chair at the request of both parties in October, 2002.**

(3b) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 60 Entrada Court. Permit issued on May 1, 2006. Last day to appeal was May 16, 2006. Jurisdiction request received on June 26, 2006. Letter from Hayes Miles, requestor, asking that the Board take jurisdiction over Building Permit Application No(s). 2004/07/12/8482. Permit Holder(s): James Carlin. Project: on single family house, kitchen remodel and rear addition.

(3c) REHEARING REQUEST:

Subject property at 1736-1740 Filbert Street. Letter from Amy McDougall, appellant, requesting rehearing of Appeal No. V06-066, McDougall vs. ZA, decided June 21, 2006. At that time, upon motion by President Fung, the Board voted 5-0 to uphold the variance on condition that the roof assembly be changed to a 1-hour roof assembly so as to reduce the parapet to a curb of minimum height. Project: proposal is to construct a new 3-story over 3-car garage, single-family building at the front of the lot; variance case no. 2005.0746V.

(4) APPEAL NO. 06-038

MICHAEL PATEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	432 Geary Street. Appealing the denial on August 9, 2005, of Permit to Erect a Sign (non-electric, wall, single-faced, painted wall, 30' X 59', with 1,770sf of total surface area). APPLICATION NO. 2002/02/01/8317. JURISDICTION GRANTED MARCH 1, 2006. FOR HEARING TODAY.

(5) APPEAL NO. V06-079

RICHARD GARVIN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1043-1045 Francisco Street. Protesting the granting on May 12, 2006, to John Chiatello, Rear Yard Variance (construction of a one-story horizontal addition over existing one-story extension at the rear of the building, of which a 3 foot portion would be within the required rear yard). VARIANCE CASE NO. 2005.0032DV. FOR HEARING TODAY.

(6) APPEAL NO. VO6-081

SUSAN MUKAEDA & CRAIG STEINMAUS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	585 Kansas Street. Appealing the conditions placed on a Parking Variance, granted on May 10, 2006, to Susan Mukaeda (legalization of a previously existing illegal in-law unit on the ground floor of an existing one-family dwelling without providing the required off-street parking space). VARIANCE CASE NO. 2006.0140V. FOR HEARING TODAY.

(7) **APPEAL NO. 06-083**

ROSS WILKINSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	515-695 John Muir Drive. Protesting the issuance on May 10, 2006, to Delaware Lakewood LLC, Permit to Alter a Building (on 720-unit apartment complex: revision to BPA No. 2006/02/22/5138; total of 480 exhaust fan units to be installed throughout complex). APPLICATION NO. 2006/05/10/1214. FOR HEARING TODAY.

(8) **NOTE:**

After adjournment, the Board will be gathering to treat out-going Commissioner Hisashi Sugaya to dinner at Soluna Restaurant at 82 McAllister Street . This is a social event, and no business shall be discussed nor action taken. As required by the Sunshine Ordinance, members of the public may observe the dinner at no cost.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **July 13, 2006**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	**PRESIDENT**
RANDALL KNOX	**VICE PRESIDENT**
KATHARINE ALBRIGHT	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
ROBERT HAALAND	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER – TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net. THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

ecord and will be brought to the attention of the Board at the public hearing. For complete distribution to ll Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

ursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or evelopment permit, you may be limited to raising only those issues you or someone else raised at the ublic hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, r prior to, the public hearing.

alendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken ut of order to accommodate special needs. The Board urges all parties to be present in the hearing oom from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

he ringing of and use of cell phones, pagers and similar sound-producing electronic devices are rohibited at this meeting. Please be advised that the Chair may order the removal from the meeting oom of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-roducing electronic devices.

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JULY 19, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Randall Knox, Commissioner Michael Garcia, Commissioner Katharine Albright and Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Leo McFadden, Senior Building Inspector, Department of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) **PUBLIC COMMENT:**

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SPEAKERS: None.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADDENDUM ITEMS:**

(3a) **REHEARING REQUEST:**

Subject property at 4201-4211 Judah Street. Letter from Andrew Zacks, attorney for Bhazubai Patel, Appellant, requesting rehearing of Appeal No(s). 97-165, Patel vs. ZA, decided Feb. 18, 1998. Upon motion by Commissioner Salgado, the Board voted 1-4 (President Cullum, Vice President McInerney, Commissioner Chin and Commissioner Schwartz dissented) to uphold the subject determination. Two votes are needed to uphold a departmental action, and thus the motion failed. Afterwards, upon motion by Commissioner Schwartz, the Board voted 3-2 (President Cullum and Commissioner Salgado dissented) to overrule the subject determination. Four votes being necessary to overturn any departmental action, the motion failed, and thus the subject determination was upheld. Then, on April 1, 1998, the Board considered the request for rehearing by the appellant. At that time, upon motion by Commissioner Salgado, the Board voted 2-3 (Vice President McInerney, Commissioner Chin and Commissioner Schwartz dissented) to deny the request for rehearing. Afterwards, upon motion by Vice President McInerney, the Board voted 3-2 to continue the matter to await action by the Superior Court. **Note: This matter was returned to the Call of the Chair at the request of both parties in October, 2002.**

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ACTION: Rescheduled prior to meeting with written notices to Sept. 6, 2006.

SPEAKERS: None.

PUBLIC COMMENT: None

(3b) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 60 Entrada Court. Permit issued on May 1, 2006. Last day to appeal was May 16, 2006. Jurisdiction request received on June 26, 2006. Letter from Hayes Miles, requestor, asking that the Board take jurisdiction over Building Permit Application No(s). 2004/07/12/8482. Permit Holder(s): James Carlin. Project: on single family house, kitchen remodel and rear addition.

ACTION: Upon motion by Vice President Knox, the Board voted 5-0 to reschedule the matter to August 30, 2006 at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None

(3c) **REHEARING REQUEST:**

Subject property at 1736-1740 Filbert Street. Letter from Amy McDougall, appellant, requesting rehearing of Appeal No. V06-066, McDougall vs. ZA, decided June 21, 2006. At that time, upon motion by President Fung, the Board voted 5-0 to uphold the variance on condition that the roof assembly be changed to a 1-hour roof assembly so as to reduce the parapet to a curb of minimum height. Project: proposal is to construct a new 3-story over 3-car garage, single-family building at the front of the lot; variance case no. 2005.0746V.

ACTION: Upon motion by Vice President Knox, the Board voted 5 – 0 to deny the request for rehearing.

SPEAKERS: Amy McDougall, Appellant; Jonas Ionin, PD; Steve Williams, attorney for neighbors;

PUBLIC COMMENT: Norman Leung, spoke against the request for rehearing.

(4) **APPEAL NO. 06-038**

MICHAEL PATEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	432 Geary Street. Appealing the denial on August 9, 2005, of Permit to Erect a Sign (non-electric, wall, single-faced, painted wall, 30' X 59', with 1,770sf of total surface area). APPLICATION NO. 2002/02/01/8317. JURISDICTION GRANTED MARCH 1, 2006. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to uphold the denial of the subject permit.

SPEAKERS: Jonas Ionin, PD; Brendan Hallinan, attorney for appellant.

PUBLIC COMMENT: None

(5) **APPEAL NO. V06-079**

RICHARD GARVIN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1043-1045 Francisco Street. Protesting the granting on May 12, 2006, to John Chiatello, Rear Yard Variance (construction of a one-story horizontal addition over existing one-story extension at the rear of the building, of which a 3 foot portion would be within the required rear yard). VARIANCE CASE NO. 2005.0032DV. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to continue the variance appeal to 08/16/06 with the public hearing closed.

SPEAKERS: Jonas Ionin, PD; Patrick Gunn, attorney for appellant; Thomas Brown, attorney for variance holder; Gary Bell, agent for variance holder; Richard Garvin, appellant; John Chiatello, variance holder.

PUBLIC COMMENT: Jeanine Loughhran said new developers have come into the neighborhood with expansions which have changed the neighborhood. John Loughran said the house does need renovation, however, he feels this granted variance for fifteen more feet is excessive.

(6) **APPEAL NO. VO6-081**

SUSAN MUKAEDA & CRAIG STEINMAUS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	585 Kansas Street. Appealing the conditions placed on a Parking Variance, granted on May 10, 2006, to Susan Mukaeda (legalization of a previously existing illegal in-law unit on the ground floor of an existing one-family dwelling without providing the required off-street parking space). VARIANCE CASE NO. 2006.0140V. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to uphold the variance with the deletion of conditions No. 2 & 2a and with adoption of the ZA's other findings.

SPEAKERS: Jonas Ionin, PD; Joel Yodowitz, attorney for appellants.

PUBLIC COMMENT: John Carney said he owns four properties within 150 feet of the subject property and that he is in favor of ZA's condition which protects low-cost housing.

(7) **APPEAL NO. 06-083**

ROSS WILKINSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	515-695 John Muir Drive. Protesting the issuance on May 10, 2006, to Delaware Lakewood LLC, Permit to Alter a Building (on 720-unit apartment complex: revision to BPA No. 2006/02/22/5138; total of 480 exhaust fan units to be installed throughout complex). APPLICATION NO. 2006/05/10/1214. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Knox, the Board voted 5 – 0 to continue the matter to 08/30/06, with the public hearing to remain open, and for the case to be first on the agenda.

SPEAKERS: Marcus Hall, attorney for appellant; Jeff Margulies, attorney for permit holder; Leo McFadden, DBI; Amy Sexton, agent for permit holder.

PUBLIC COMMENT: Silvia Forward; said that she has a problem in her new unit and no humidifier is needed. Henry Stockwell, said that he can't heat his apartment since Humex unit was installed and his utility bill is up to $176.00; Ron Schmidt, said that he opposes the unit and there is no place to install a unit; Mona Ceregheno, said that she agrees with previous remarks and the unit is very intrusive; Gary Pacetti, said that the permit holder is wrong; Betty Miller, said that she has no idea if the unit works and it drones all the time and due to the droning she can't read in her living room.

(8) **NOTE**:

After adjournment, the Board will be gathering to treat out-going Commissioner Hisashi Sugaya to dinner at Soluna Restaurant at 82 McAllister Street . This is a social event, and no business shall be discussed nor action taken. As required by the Sunshine Ordinance, members of the public may observe the dinner at no cost.

There being no further business, President Fung adjourned the meeting at 8:33 p.m.

Robert H Feldman

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from official court reporter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

/06

AGENDA FOR REGULAR MEETING - WEDNESDAY, JULY 26, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS: None.

(4) APPEAL NO. 06-084

JOSEFA VALLECILLOS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1318 Palou Avenue. Appealing the imposition of penalty on May 25, 2006, for work done without a permit (on single-family house: remove kitchen and storage on 1st floor; legalize bedroom and bathroom on 1st floor; open 2nd exit door to rear; plumbing and electrical work on 1st floor; comply with NOV No. 20667369). APPLICATION NO. 2006/05/09/1100. FOR HEARING TODAY.

(5) APPEAL NO. 06-089

CESAR CABRERA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	266 Maynard Street. Appealing the imposition of penalty on June 1, 2006, for work done without a permit (on single-family house: revert back to original legal use as a laundry room; remove stove; comply with NOV No. 200669039). APPLICATION NO. 2006/06/01/2928. FOR HEARING TODAY.

ITEMS 6A & 6B SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 06-060**

ISAAC ABRAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	737 Castro Street. Protesting the issuance on April 18, 2006, to Dean Ballback, Permit to Alter a Building (on single-family house: revision to BPA No. 2005/09/08/2285; show all new framing at rear room; lower back roof 18" and move railing 3' off south property line; landscape rear yard, retaining walls and fence; comply with NOV nos. 200561712, 20067313, and 200667626). APPLICATION NO. 2006/04/18/9218. PUBLIC HEARING HELD & CLOSED ON JUNE 14, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow permit holder time to meet with Planning Staff regarding variance issue.**

(6B) **APPEAL NO. 06-093**

ISAAC ABRAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	737 Castro Street. Protesting the issuance on August 22, 2005, to Dean Ballback, Permit to Alter a Building (on single-family house: replace portion of foundation; concrete cap; north side footing). APPLICATION NO. 2005/08/22/0845. JURISDICTION GRANTED 06/14/2006. FOR HEARING TODAY.

(7) **APPEAL NO. 06-073**

KAM & SOO WONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	700 – 4th Avenue. Protesting the issuance on April 28, 2006, to Korean Covenant Church, Site Permit to Alter a Building (change occupancy with maximum at 100 persons; add elevator; revise exiting; revise property line fire walls; legalize ground floor kitchen and dining; variance for rear yard exit stair case, variance case no. 2004.0613V). APPLICATION NO. 2005/06/08/4603S. PUBLIC HEARING HELD & CLOSED ON JULY 12, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow parties time to work on settlement regarding mitigation measures.**

(8) APPEAL NO. V06-085

PATRICK & CHRISTINA McALEAVY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1275 – 15th Avenue. Appealing the condition(s) placed on an Off-Street Parking Variance, granted on May 19, 2006, to Patrick & Christina McAleavy (legalize 2nd dwelling unit at the ground floor/garage level without providing the required independently accessible off-street parking space). VARIANCE CASE NO. 2005.0929V. FOR HEARING TODAY.

(9) APPEAL NO. 06-087

DONG FU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	838 Alabama Street. Protesting the issuance on May 12, 2006, to James McFadden, Permit to Alter a Building (on single-family house: replace windows in front and back; raise basement by 1' – 6"; adjust new roof line to accommodate joist; add new beams and shear walls on upper floors to reinforce layout and install tile over concrete steps as needed; new laundry at basement and new layout on 1st floor; new stairs; interior remodel). APPLICATION NO. 2006/05/12/1526. FOR HEARING TODAY.

(10) APPEAL NO. 06-090

KATHERINE BIRD & WILLIAM ROTHRUM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	500-506 Cole Street. Protesting the issuance on May 17, 2006, to Richard Baldwin, Site Permit to Alter a Building (on 4-unit apartment building: new 2-car tandem garage at rear with new roof decks above; rear yard variance no. 2001.0325V granted on June 19, 2001). APPLICATION NO. 2004/04/13/1122S. FOR HEARING TODAY.

(11) **APPEAL NO. 06-091**

JUSTINE JUSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	943 Church Street. Protesting the issuance on May 23, 2006, to Kevin Cheng, Site Permit to Alter a Building (on single-family house: new vertical addition; create new dwelling unit; remodel existing building). APPLICATION NO. 2005/06/14/5053S. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **July 20, 2006**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	**PRESIDENT**
RANDALL KNOX	**VICE PRESIDENT**
KATHARINE ALBRIGHT	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
ROBERT HAALAND	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER – TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net. THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber.
TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JULY 26, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Randall Knox, Commissioner Michael Garcia, Commissioner Katharine Albright and Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Ron Tom, Chief Building inspector, Department of Building Inspection (DBI); Jonas Ionin, Senior Planner, Planning Department; Robert Feldman, Executive Secretary; Victor Pacheco, Legal Assistant, for the Board; Claudine Woeber, Official Court Reporter.

(1) **PUBLIC COMMENT**:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: David Weingarten asked the Board to be responsive to tenant evictions after a building has been subject to the Ellis Act; Jeremy Paul welcomed the newest member of the Board.

(3) **ADDENDUM ITEMS**: None.

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(4) APPEAL NO. 06-084

JOSEFA VALLECILLOS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1318 Palou Avenue. Appealing the imposition of penalty on May 25, 2006, for work done without a permit (on single-family house: remove kitchen and storage on 1st floor; legalize bedroom and bathroom on 1st floor; open 2nd exit door to rear; plumbing and electrical work on 1st floor; comply with NOV No. 20667369). APPLICATION NO. 2006/05/09/1100. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Albright, the Board voted 5 – 0 to reduce the penalty to two times the regular fee.

SPEAKERS: Ron Tom, DBI; Josefa Vallecillos, appellant.

PUBLIC COMMENT: None

(5) **APPEAL NO. 06-089**

CESAR CABRERA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	266 Maynard Street. Appealing the imposition of penalty on June 1, 2006, for work done without a permit (on single-family house: revert back to original legal use as a laundry room; remove stove; comply with NOV No. 200669039). APPLICATION NO. 2006/06/01/2928. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Albright, the Board voted 5 – 0 to continue the matter to August 16, 2006, with the public hearing closed.

SPEAKERS: Ron Tom, DBI; Cesar Cabrera, appellant.

PUBLIC COMMENT: None

ITEMS 6A & 6B SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 06-060**

ISAAC ABRAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	737 Castro Street. Protesting the issuance on April 18, 2006, to Dean Ballback, Permit to Alter a Building (on single-family house: revision to BPA No. 2005/09/08/2285; show all new framing at rear room; lower back roof 18" and move railing 3' off south property line; landscape rear yard, retaining walls and fence; comply with NOV nos. 200561712, 20067313, and 200667626). APPLICATION NO. 2006/04/18/9218. PUBLIC HEARING HELD & CLOSED ON JUNE 14, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow permit holder time to meet with Planning Staff regarding variance issue.**

(6B) **APPEAL NO. 06-093**

ISAAC ABRAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	737 Castro Street. Protesting the issuance on August 22, 2005, to Dean Ballback, Permit to Alter a Building (on single-family house: replace portion of foundation; concrete cap; north side footing). APPLICATION NO. 2005/08/22/0845. JURISDICTION GRANTED 06/14/2006. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Albright, the Board voted 5 – 0 to continue both matters to Call of the Chair pending the variance application by the permit holder.

SPEAKERS: Jeremy Paul, agent for permit holder; Isaac Abrams, appellant; Ron Tom, DBI.

PUBLIC COMMENT: None

(7) **APPEAL NO. 06-073**

KAM & SOO WONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	700 – 4th Avenue. Protesting the issuance on April 28, 2006, to Korean Covenant Church, Site Permit to Alter a Building (change occupancy with maximum at 100 persons; add elevator; revise exiting; revise property line fire walls; legalize ground floor kitchen and dining; variance for rear yard exit stair case, variance case no. 2004.0613V). APPLICATION NO. 2005/06/08/4603S. PUBLIC HEARING HELD & CLOSED ON JULY 12, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow parties time to work on settlement regarding mitigation measures.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to continue the matter to August 16, 2006 at the prior written request of the parities.

SPEAKERS: None

PUBLIC COMMENT: None

(8) **APPEAL NO. V06-085**

PATRICK & CHRISTINA McALEAVY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1275 – 15th Avenue. Appealing the condition(s) placed on an Off-Street Parking Variance, granted on May 19, 2006, to Patrick & Christina McAleavy (legalize 2nd dwelling unit at the ground floor/garage level without providing the required independently accessible off-street parking space). VARIANCE CASE NO. 2005.0929V. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia the Board voted 5 – 0 to uphold the variance with deletion of condition No. 1 & No. 1a, and with the adoption of the ZA's other findings.

SPEAKERS: Jonas Ionin, PD; Patrick McAleavy, co- appellant.

PUBLIC COMMENT: None

(9) **APPEAL NO. 06-087**

DONG FU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	838 Alabama Street. Protesting the issuance on May 12, 2006, to James McFadden, Permit to Alter a Building (on single-family house: replace windows in front and back; raise basement by 1' – 6"; adjust new roof line to accommodate joist; add new beams and shear walls on upper floors to reinforce layout and install tile over concrete steps as needed; new laundry at basement and new layout on 1st floor; new stairs; interior remodel). APPLICATION NO. 2006/05/12/1526. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to recuse Vice President Knox. Afterwards, upon motion by President Fung, the Board voted 4-0-1 (Vice President Knox recused) to reschedule the matter to Call of the Chair at the request of the DBI, and with agreement of the appellant.

SPEAKERS: None

PUBLIC COMMENT: None

(10) **APPEAL NO. 06-090**

KATHERINE BIRD & WILLIAM ROTHRUM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	500-506 Cole Street. Protesting the issuance on May 17, 2006, to Richard Baldwin, Site Permit to Alter a Building (on 4-unit apartment building: new 2-car tandem garage at rear with new roof decks above; rear yard variance no. 2001.0325V granted on June 19, 2001). APPLICATION NO. 2004/04/13/1122S. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Knox, the Board voted 5 – 0 to continue the matter to August 30, 2006, with the public hearing closed.

SPEAKERS: William Rothrum, co appellant; Katharine Bird, co appellant; Richard Baldwin, permit holder; Linda Dunn, wife of permit holder; Ron Tom, DBI.

PUBLIC COMMENT: None

(11) **APPEAL NO. 06-091**

JUSTINE JUSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	943 Church Street. Protesting the issuance on May 23, 2006, to Kevin Cheng, Site Permit to Alter a Building (on single-family house: new vertical addition; create new dwelling unit; remodel existing building). APPLICATION NO. 2005/06/14/5053S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 3 – 2 (Vice President Knox and Commissioner Haaland dissented) to uphold the permit.

SPEAKERS: Justine Juson, appellant; Kevin Cheng, co-owner and permit holder; Todd Mavis, co-owner; Jonas Ionin, PD; Alex Bash, agent for appellant; Arnie Lerner, agent for appellant; Henry Shapiro, agent for appellant.

PUBLIC COMMENT: Ralph Hoffschildt said that one additional story is acceptable but this is not, and he supports the appellant; Brian Driscoll is opposed to a fourth floor on the addition; Neil Sims supports the project because the plans meet all codes and was approved by all professionals at the Planning Commission; Michelle Driscoll said she opposes new plan and the permit holder could create additional living space on lower floor without adding two new stories; Cynthia Gair said project will block light and air and will be a bad precedent; Chris Lalli supports project which meets all codes and passed the Commission; John Orofino opposes project because it will put his tenants in the dark; Ted Loewenberg supports the project because they did everything right; Susan Alexander opposes the project which will block light from her windows and will be a bad precedent for the street; Michael Harte supports the addition which won't block windows; Hillary Turner said it will have a very negative impact on the neighborhood; Dawnne Woodie supports the project which will not block any vistas or major views; Thomas Kazarian said project will be destructive to the character of the neighborhood; Donna Boyer read a letter in support of the project; James Hetherington said there is enough room in the house to create the additional space needed, and there is no need to build up; Elizabeth Hirsch read a letter from Steven White, and said the only issue in the proposed height which will block views of the existing owners and tenants; Allen Churchill said one story was fine but to add two is not appropriate; Brian Smith welcomed the new neighbors and added that there is no need to build up since there is exiting space in the building to add the rooms needed by the owners; Travis Pacoe said neighbor alternatives are more cost effective and would add value to the property and benefit the neighborhood; David Massen was in favor of appellant and said his reasons were already stated.

There being no further business, President Fung adjourned the meeting at 8.33 p.m

Robert H Feld

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from official court reporter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, AUGUST 16, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMMISSIONERS COMMENTS & QUESTIONS:

(2a) SPECIAL ITEM:

Informational presentation by the Zoning Administrator regarding affordability conditions for parking variances.

8-11-06A10:5

(3) ADDENDUM ITEMS:

(3a) JURISDICTION REQUEST:

Subject property at 320 Wawona Street. Letter from Marilyn Amini, requestor(s), asking that the Board allow her to file a rehearing request beyond the 10-day period for Appeal No. 03-031, Amini vs. DBI, PDA, decided July 12, 2006. At that time, upon motion by Vice President Knox, the Board voted 3-0-2 (Commissioner Albright absent, one vacancy) to uphold the subject permit. Permit Holder(s): Bethany Chaney & Bridget Wylie. Project: on single-family house, renew for final only, for Building Permit Application No(s). 2000/02/23/2533, which was for installation of 21 vinyl windows in kind, into existing frames, no change in size or location, and no structural change; BPA No. 2003/02/05/6749.

(3b) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 74 Museum Way. Penalty paid on June 16, 2006. Last day to appeal was July 3, 2006. Jurisdiction request received on July 25, 2006. Letter from Nicole Tai, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2006/06/16/4259 for the purpose of filing a penalty appeal. Project: on 2-unit building, remove decks on 2nd and 3rd floor; insulate and patch siding to match exterior vinyl siding; remove illegal kitchen built in 1977; comply with NOV No. 200451036.

(4) APPEAL NO. 06-096

JOHN JWEINAT dba "SUTTER FINE FOODS", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	988 Sutter Street. Appealing a 10-day suspension of a Tobacco Product Sales Establishment Permit, imposed on June 16, 2006. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-06-159. FOR HEARING TODAY.

(5) APPEAL NO. 06-097

SAMUELLAH WARDAK dba "PARK PRESIDIO UNOCAL", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	4850 Geary Boulevard. Appealing a 10-day suspension of a Tobacco Product Sales Establishment Permit, imposed on June 16, 2006. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-06-158. FOR HEARING TODAY.

(6) APPEAL NO. 06-039

KEVIN HICKS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	504 – 6th Street. Appealing the denial on March 6, 2006, of Permit to Erect a Sign (ground, non-electric, single-faced, 14' X 48', with 672sf of total surface area). APPLICATION NO. 2005/10/11/5200. FOR REHEARING TODAY. **Note: On May 17, 2006, the Board voted 5-0 to overrule the denial, and grant the permit, with findings to be adopted at a later date. On June 21, 2006, the Board voted 5-0 to grant the Zoning Administrator's rehearing request, and to schedule the rehearing for August 16, 2006.**

(7) **APPEAL NO. 06-073**

KAM & SOO WONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	700 – 4th Avenue. Protesting the issuance on April 28, 2006, to Korean Covenant Church, Site Permit to Alter a Building (change occupancy with maximum at 100 persons; add elevator; revise exiting; revise property line fire walls; legalize ground floor kitchen and dining; variance for rear yard exit stair case, variance case no. 2004.0613V). APPLICATION NO. 2005/06/08/4603S. PUBLIC HEARING HELD & CLOSED ON JULY 12, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow parties time to work on settlement regarding mitigation measures.**

(8) **APPEAL NO. 06-089**

CESAR CABRERA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	266 Maynard Street. Appealing the imposition of penalty on June 1, 2006, for work done without a permit (on single-family house: revert back to original legal use as a laundry room; remove stove; comply with NOV No. 200669039). APPLICATION NO. 2006/06/01/2928. PUBLIC HEARING HELD & CLOSED ON JULY 26, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow DBI time to investigate discrepancy in penalty calculation.**

(9) **APPEAL NO. 06-080**

WAYNE KENNEDY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2256 Bryant Street. Protesting the issuance on May 2, 2006, to Jin-Sen Wu, Site Permit to Alter a Building (on single-family house: extend building horizontally toward the front and increase dwelling units from one to three per plans). APPLICATION NO. 2001/12/28/6018S. FOR HEARING TODAY.

(10) **APPEAL NO. 06-086**

GERRIE SCOTT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	121 Brighton Avenue. Protesting the issuance on May 15, 2006, to Jose Pereda, Site Permit to Alter a Building (on single-family house: 3rd floor addition to existing 2-story residence; horizontal addition/extension of 18" is proposed for a portion of the front façade; existing kitchen will be remodeled under this permit). APPLICATION NO. 2005/09/14/2906S. FOR HEARING TODAY.

(11) **APPEAL NO. 06-092**

400 PAUL WAVE EXCHANGE LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	400 Paul Avenue. Appealing a determination dated May 25, 2006, addressed to Walter Wong, that an additional extension of time in which to meet the obligations of the Conditional Use Authorization (construction of a 4-story, 330,000sf internet services exchange facility) cannot be granted, and therefore, the 3-year time limit (including the previous one year extension) terminated on May 16, 2006. FOR HEARING TODAY.

(12) **APPEAL NO. 06-095**

YUK FUNG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1554 – 27th Avenue. Protesting the issuance on June 16, 2006, to Frances Ng, Permit to Alter a Building (on single-family house: enclose light well on 2nd floor; add new deck at rear; remodel 1st and 2nd floors). APPLICATION NO. 2006/06/16/4313. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **August 10, 2006**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	**PRESIDENT**
RANDALL KNOX	**VICE PRESIDENT**
KATHARINE ALBRIGHT	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
ROBERT HAALAND	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER – TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net. THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber.
TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, AUGUST 16, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Randall Knox, Commissioner Michael Garcia, Commissioner Katharine Albright and Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Lawrence Badiner, Zoning Administrator, (ZA); Johnson Ojo, Principal Inspector, Dept. of Public Health (DPH); Robert Feldman, Executive Secretary; Victor Pacheco, Legal Assistant; Claudine Woeber, Official Court Reporter.

(1) **PUBLIC COMMENT**:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS**:

SPEAKERS: None.

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(2a) **SPECIAL ITEM**:

Informational presentation by the Zoning Administrator regarding affordability conditions for parking variances.

ACTION: None.
SPEAKERS: Lawrence Badiner, ZA.

PUBLIC COMMENT: Henry Karnilowicz sees problems if it is adopted; Alice Barkley said to not forget the transit first policy.

(3) ADDENDUM ITEMS:

(3a) JURISDICTION REQUEST:

Subject property at 320 Wawona Street. Letter from Marilyn Amini, requestor(s), asking that the Board allow her to file a rehearing request beyond the 10-day period for Appeal No. 03-031, Amini vs. DBI, PDA, decided July 12, 2006. At that time, upon motion by Vice President Knox, the Board voted 3-0-2 (Commissioner Albright absent, one vacancy) to uphold the subject permit. Permit Holder(s): Bethany Chaney & Bridget Wylie. Project: on single-family house, renew for final only, for Building Permit Application No(s). 2000/02/23/2533, which was for installation of 21 vinyl windows in kind, into existing frames, no change in size or location, and no structural change; BPA No. 2003/02/05/6749.

ACTION: Upon motion by Vice President Knox, the Board voted 5 – 0 to deny the jurisdiction request and to not allow the late filing of the request for rehearing.

SPEAKERS: Marilyn Amini, requestor; Bridget Wylie, co-permit holder.

PUBLIC COMMENT: None.

(3b) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 74 Museum Way. Penalty paid on June 16, 2006. Last day to appeal was July 3, 2006. Jurisdiction request received on July 25, 2006. Letter from Nicole Tai, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2006/06/16/4259 for the purpose of filing a penalty appeal. Project: on 2-unit building, remove decks on 2nd and 3rd floor; insulate and patch siding to match exterior vinyl siding; remove illegal kitchen built in 1977; comply with NOV No. 200451036.

ACTION: Upon motion by Vice President Knox, the Board voted 5 – 0 to continue the matter to September 13, 2006.

SPEAKERS: Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(4) APPEAL NO. 06-096

JOHN JWEINAT dba "SUTTER FINE FOODS", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	988 Sutter Street. Appealing a 10-day suspension of a Tobacco Product Sales Establishment Permit, imposed on June 16, 2006. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-06-159. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to uphold the 10 - day suspension.

SPEAKERS: Johnson Ojo, DPH; John Jweinat, appellant.

PUBLIC COMMENT: None.

(5) APPEAL NO. 06-097

SAMUELLAH WARDAK dba "PARK PRESIDIO UNOCAL", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	4850 Geary Boulevard. Appealing a 10-day suspension of a Tobacco Product Sales Establishment Permit, imposed on June 16, 2006. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-06-158. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Albright, the Board voted 5 – 0 to uphold the 10 - day suspension.

SPEAKERS: Johnson Ojo, DPH; Samuellah Wardak, appellant.

PUBLIC COMMENT: None.

(6) APPEAL NO. 06-039

KEVIN HICKS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	504 – 6th Street. Appealing the denial on March 6, 2006, of Permit to Erect a Sign (ground, non-electric, single-faced, 14' X 48', with 672sf of total surface area). APPLICATION NO. 2005/10/11/5200. FOR REHEARING TODAY. **Note: On May 17, 2006, the Board voted 5-0 to overrule the denial, and grant the permit, with findings to be adopted at a later date. On June 21, 2006, the Board voted 5-0 to grant the Zoning Administrator's rehearing request, and to schedule the rehearing for August 16, 2006.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to overrule the denial and grant the permit with findings to be adopted on September 13, 2006.

SPEAKERS: Lawrence Badiner, ZA; Alice Barkley, attorney for appellant; Gerald Murphy, attorney for appellant.

PUBLIC COMMENT: Jared Eigerman, attorney for Clear Channel, explained his client's position on this appeal.

(7) **APPEAL NO. 06-073**

KAM & SOO WONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	700 – 4th Avenue. Protesting the issuance on April 28, 2006, to Korean Covenant Church, Site Permit to Alter a Building (change occupancy with maximum at 100 persons; add elevator; revise exiting; revise property line fire walls; legalize ground floor kitchen and dining; variance for rear yard exit stair case, variance case no. 2004.0613V). APPLICATION NO. 2005/06/08/4603S. PUBLIC HEARING HELD & CLOSED ON JULY 12, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow parties time to work on settlement regarding mitigation measures.**

ACTION: Upon motion by Vice President Knox, the Board voted 5 – 0 to continue the matter to September 6, 2006, at the prior written request of the parties.

SPEAKERS: None. .

PUBLIC COMMENT: None.

(8) **APPEAL NO. 06-089**

CESAR CABRERA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	266 Maynard Street. Appealing the imposition of penalty on June 1, 2006, for work done without a permit (on single-family house: revert back to original legal use as a laundry room; remove stove; comply with NOV No. 200669039). APPLICATION NO. 2006/06/01/2928. PUBLIC HEARING HELD & CLOSED ON JULY 26, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow DBI time to investigate discrepancy in penalty calculation.**

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to reduce the penalty to two (2) times the regular fee at a work valuation of $5,000.

SPEAKERS: Laurence Kornfield, DBI; and Cesar Cabrera, appellant.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 06-080**

WAYNE KENNEDY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2256 Bryant Street. Protesting the issuance on May 2, 2006, to Jin-Sen Wu, Site Permit to Alter a Building (on single-family house: extend building horizontally toward the front and increase dwelling units from one to three per plans). APPLICATION NO. 2001/12/28/6018S. FOR HEARING TODAY.

ACTION: Withdrawn by the appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 06-086**

GERRIE SCOTT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	121 Brighton Avenue. Protesting the issuance on May 15, 2006, to Jose Pereda, Site Permit to Alter a Building (on single-family house: 3rd floor addition to existing 2-story residence; horizontal addition/extension of 18" is proposed for a portion of the front façade; existing kitchen will be remodeled under this permit). APPLICATION NO. 2005/09/14/2906S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to continue the matter to September 20, 2006.

SPEAKERS: Gerrie Scott, appellant; Henry Karnilowicz, agent for permit holder; Laurence Kornfield, DBI; Lawrence Badiner, ZA; Luis Pereda, permit holder.

PUBLIC COMMENT: Douglas Sweeney spoke in favor of appellant and said that he was a tenant in 1989 and witnessed the work going on and when it was completed; Angelo Calvo spoke in favor of permit holder, and said he saw people living on the 3rd floor.

(11) **APPEAL NO. 06-092**

400 PAUL WAVE EXCHANGE LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	400 Paul Avenue. Appealing a determination dated May 25, 2006, addressed to Walter Wong, that an additional extension of time in which to meet the obligations of the Conditional Use Authorization (construction of a 4-story, 330,000sf internet services exchange facility) cannot be granted, and therefore, the 3-year time limit (including the previous one year extension) terminated on May 16, 2006. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Haaland, the Board voted 3 – 2 (President Fung and Vice President Knox dissented) to uphold the ZA determination letter.

SPEAKERS: Lawrence Badiner, ZA; Daniel Sullivan, agent for appellant; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(12) **APPEAL NO. 06-095**

YUK FUNG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1554 – 27th Avenue. Protesting the issuance on June 16, 2006, to Frances Ng, Permit to Alter a Building (on single-family house: enclose light well on 2nd floor; add new deck at rear; remodel 1st and 2nd floors). APPLICATION NO. 2006/06/16/4313. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to uphold the permit on condition that revised plans be submitted so that the deck meets the light and ventilation requirements of the Building Code.

SPEAKERS: Laurence Kornfield, DBI; Alyssa Wong, daughter of appellant; Griffith Ho, agent for permit holder.

PUBLIC COMMENT: None.

There being no further business, President Fung adjourned the meeting at 10:07 pm.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from official court reporter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, AUGUST 30, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

30/06

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(2) COMMMISSIONERS COMMENTS & QUESTIONS:

08-25-06A10:47 RCVD

(3) ADDENDUM ITEMS:

(3a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 60 Entrada Court. Permit issued on May 1, 2006. Last day to appeal was May 16, 2006. Jurisdiction request received on June 26, 2006. Letter from Hayes Miles, requestor, asking that the Board take jurisdiction over Building Permit Application No(s). 2004/07/12/8482. Permit Holder(s): James Carlin. Project: on single family house, kitchen remodel and rear addition.

(3b) SPECIAL ITEM:

Subject property at 1284 Mission Street. Appeal No. 06-103, Lee's Oriental Massage vs. DPH, (appealing revocation by Department of Public Health of Massage Practitioner Permit). Request by appellant to disqualify Office of the City Attorney.

(4) **APPEAL NO. 06-083**

ROSS WILKINSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	515-695 John Muir Drive. Protesting the issuance on May 10, 2006, to Delaware Lakewood LLC, Permit to Alter a Building (on 720-unit apartment complex: revision to BPA No. 2006/02/22/5138; total of 480 exhaust fan units to be installed throughout complex). APPLICATION NO. 2006/05/10/1214. PUBLIC HEARING HELD 0N JULY 19, 2006 AND REMAINS OPEN; FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow DBI and parties time to submit additional materials pursuant to the Board's comments.**

(5) **APPEAL NO. 06-090**

KATHERINE BIRD & WILLIAM ROTHRUM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	500-506 Cole Street. Protesting the issuance on May 17, 2006, to Richard Baldwin, Site Permit to Alter a Building (on 4-unit apartment building: new 2-car tandem garage at rear with new roof decks above; rear yard variance no. 2001.0325V granted on June 19, 2001). APPLICATION NO. 2004/04/13/1122S. PUBLIC HEARING HELD AND CLOSED ON JULY 26, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow DBI time to research possible alternatives regarding the balustrade issue.**

(6) **APPEAL NO. 06-099**

ROY LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	139-141 Blake Street. Appealing the imposition of penalty on July 6, 2006, for electrical work done without a permit. APPLICATION NO. E2006/06/28/9014. FOR HEARING TODAY.

(7) **APPEAL NO. V06-075**

SONDRA LEQVE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	331 Filbert Street. Protesting the granting on May 2, 2006, to Peter Dwares, Rear Yard Variance (construct an elevator, serving all four levels of the building, along the westerly edge of the rear balcony in the required rear yard). VARIANCE CASE NO. 2004.0680V. FOR HEARING TODAY.

(8) **APPEAL NO. V06-076**

SONDRA LEQVE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	110 Alta Street. Protesting the granting on May 2, 2006, to Peter Dwares, Modification of Existing Rear Yard Variance (add a bedroom at the rear of the middle unit in this three-unit residential building). VARIANCE CASE NO. 2004.0681V. FOR HEARING TODAY.

(9) **APPEAL NO. 06-101**

LAWRENCE NICHOLLS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	197 Moffitt Street. Protesting the issuance on June 23, 2006, to Ken Eisen, Site Permit to Alter a Building (on single-family house: 2-story addition at rear; remodel kitchen and all bathrooms; new rear deck and stairs). APPLICATION NO. 2003/02/26/8334S. FOR HEARING TODAY.

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Date posted: **August 17, 2006**

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FRANK FUNG	**PRESIDENT**
RANDALL KNOX	**VICE PRESIDENT**
KATHARINE ALBRIGHT	**COMMISSIONER**
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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, AUGUST 30, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Randall Knox, Commissioner Michael Garcia, Commissioner Katharine Albright and Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector (DBI); Larry Badiner, Zoning Administrador, (ZA); Cecilia Mangoba, Department of Public Health (DPH); Robert H. Feldman, Executive, Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

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(3) ADDENDUM ITEMS:

(3a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 60 Entrada Court. Permit issued on May 1, 2006. Last day to appeal was May 16, 2006. Jurisdiction request received on June 26, 2006. Letter from Hayes Miles, requestor, asking that the Board take jurisdiction over Building Permit Application No(s). 2004/07/12/8482. Permit Holder(s): James Carlin. Project: on single family house, kitchen remodel and rear addition.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to deny the jurisdiction request.

SPEAKERS: Hayes Miles, requestor; James Carlin, permit holder.

PUBLIC COMMENT: None.

(3b) **SPECIAL ITEM:**

Subject property at 1284 Mission Street. Appeal No. 06-103, Lee's Oriental Massage vs. DPH, (appealing revocation by Department of Public Health of Massage Practitioner Permit). Request by appellant to disqualify Office of the City Attorney.

ACTION: Upon motion by Commissioner Garcia, the Board voted to 5 – 0 to not disqualify Deputy City Attorney Catharine Barnes and Deputy City Attorney Ann O' Leary of the Office of the City Attorney from representing the Board of Appeals.

ACTION: Upon motion by Commissioner Albright, the Board voted to 5 – 0 to reschedule the matter regarding disqualification of the Office of the City Attorney from representing the Department of Public Health (DPH) to September 20, 2006 and to schedule a motion to disqualify the entire Board of Appeals from the case, and to reschedule the substantive appeal to September 20, 2006.

SPEAKERS: Geoffrey Rotwein, attorney for appellant; Cecilia Mangoba, attorney for Department of Public Health (DPH); Ann O'Leary, Office of the City Attorney.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 06-083**

ROSS WILKINSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	515-695 John Muir Drive. Protesting the issuance on May 10, 2006, to Delaware Lakewood LLC, Permit to Alter a Building (on 720-unit apartment complex: revision to BPA No. 2006/02/22/5138; total of 480 exhaust fan units to be installed throughout complex). APPLICATION NO. 2006/05/10/1214. PUBLIC HEARING HELD 0N JULY 19, 2006 AND REMAINS OPEN; FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow DBI and parties time to submit additional materials pursuant to the Board's comments.**

ACTION: Upon motion by President Fung, the Board voted 4 – 1 (Commissioner Haaland dissented) to uphold the permit on condition that the exhaust fan units have a damper, caulking, and an on/off switch.

SPEAKERS: Laurence Kornfield, DBI; Marcus Hall, attorney for appellant; Ross Wilkinson, appellant; Jeff Marguiles, attorney for permit holder.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 06-090**

KATHERINE BIRD & WILLIAM ROTHRUM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	500-506 Cole Street. Protesting the issuance on May 17, 2006, to Richard Baldwin, Site Permit to Alter a Building (on 4-unit apartment building: new 2-car tandem garage at rear with new roof decks above; rear yard variance no. 2001.0325V granted on June 19, 2001). APPLICATION NO. 2004/04/13/1122S. PUBLIC HEARING HELD AND CLOSED ON JULY 26, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow DBI time to research possible alternatives regarding the balustrade issue.**

ACTION: Upon motion by Vice President Knox, the Board voted 5 – 0 to uphold the permit on condition that a property line railing be allowed, be open, and be made of a non-combustible material.

SPEAKERS: Laurence Kornfield, DBI; William Rothrum, appellant; Richard Baldwin, permit holder; Linda Dunn, wife of permit holder.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 06-099**

ROY LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	139-141 Blake Street. Appealing the imposition of penalty on July 6, 2006, for electrical work done without a permit. APPLICATION NO. E2006/06/28/9014. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to continue the matter to September 20, 2006, with the Department of Building Inspection to pay for a transcript of the hearing, and for this transcript to be delivered to appellant.

SPEAKERS: Lawrence Kornfield, DBI; Roy Lee, appellant.

PUBLIC COMMENT: Laurence Nicholls spoke in favor of appellant.

(7) **APPEAL NO. V06-075**

SONDRA LEQVE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	331 Filbert Street. Protesting the granting on May 2, 2006, to Peter Dwares, Rear Yard Variance (construct an elevator, serving all four levels of the building, along the westerly edge of the rear balcony in the required rear yard). VARIANCE CASE NO. 2004.0680V. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Albright, the Board voted 3 – 2 (Vice President Knox and Commissioner Haaland dissented) to uphold the variance on condition that the elevator be constructed so as not to exceed 5 decibels above the ambient noise level, with a report by an acoustical engineer, to be paid by the variance holder, and approved by Department of Building Inspection and Planning Department. Then, upon motion by Commissioner Garcia, the Board voted 5 – 0 to rescind the previous vote. And finally, upon motion by Commissioner Albright, the Board voted 5 – 0 to uphold the variance with the same conditions as previously stated.

SPEAKERS: Sondra Leqve, appellant; Larry Badiner, ZA; Laurence Kornfield, DBI; Brett Gladstone, attorney for variance holder.

PUBLIC COMMENT: Christoffer Lee and Carol Fazio spoke in favor of the appellant.

(8) **APPEAL NO. V06-076**

SONDRA LEQVE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	110 Alta Street. Protesting the granting on May 2, 2006, to Peter Dwares, Modification of Existing Rear Yard Variance (add a bedroom at the rear of the middle unit in this three-unit residential building). VARIANCE CASE NO. 2004.0681V. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 3 – 2 (Vice President Knox and Commissioner Haaland dissented) to uphold the variance.

SPEAKERS: Sondra Leqve, appellant; Larry Badiner, ZA; Brett Gladstone, attorney for variance holder.

PUBLIC COMMENT: Fiyin Chua spoke in favor of the appellant.

(9) **APPEAL NO. 06-101**

LAWRENCE NICHOLLS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	197 Moffitt Street. Protesting the issuance on June 23, 2006, to Ken Eisen, Site Permit to Alter a Building (on single-family house: 2-story addition at rear; remodel kitchen and all bathrooms; new rear deck and stairs). APPLICATION NO. 2003/02/26/8334S. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to uphold the permit.

SPEAKERS: Lawrence Nicholls, appellant; Kenneth Eisen, permit holder; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

There being no further business, President Fung adjourned the meeting at 9:40 pm.

Robert H Feldman

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from official court reporter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, SEPTEMBER 6, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS:

(3a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 3011 – 20th Street. Permit issued on November 15, 2005. Last day to appeal was November 30, 2005. Jurisdiction request received on July 14, 2006. Letter from Charles Wright, attorney for Dominador Ballesteros, requestor, asking that the Board take jurisdiction over Building Permit Application No(s). 2004/11/04/8587. Permit Holder(s): Chin Soo Kim. Project: erect a 4-story, 3-unit building.

(4) APPEAL NO. 06-073

KAM & SOO WONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	700 – 4th Avenue. Protesting the issuance on April 28, 2006, to Korean Covenant Church, Site Permit to Alter a Building (change occupancy with maximum at 100 persons; add elevator; revise exiting; revise property line fire walls; legalize ground floor kitchen and dining; variance for rear yard exit stair case, variance case no. 2004.0613V). APPLICATION NO. 2005/06/08/4603S. PUBLIC HEARING HELD & CLOSED ON JULY 12, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow parties time to work on settlement regarding mitigation measures.**

(5) **APPEAL NO. 06-118**

KENNETH RAY WALKER, Appellant(s) vs. ENTERTAINMENT COMMISSION, Respondent	1419 Fillmore Street. Protesting the conditional grant on August 1, 2006, to Sheba Piano Lounge, Place of Entertainment Permit. PERMIT NO. EC-849. FOR HEARING TODAY.

(6) **APPEAL NO. 06-088**

YUK NAN PENG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	4726 Anza Street. Protesting the issuance on May 16, 2006, to Laurie Moore, Permit to Alter a Building (on single-family house: enclose existing lateral light well; remodel 2nd floor kitchen; new master bedroom suite at ground floor level; skylight is to be 45-min. fire-rated skylight). APPLICATION NO. 2005/08/02/9209S. FOR HEARING TODAY.

(7) **APPEAL NO. 06-105**

DANIEL CHADBOURNE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2863 California Street. Protesting the issuance on June 30, 2006, to Ping Sung, Site Permit to Erect a Building (3-story, 3-unit building with 2,970sf of ground floor area). APPLICATION NO. 2002/08/06/3236S. FOR HEARING TODAY.

(8) **APPEAL NO. V06-106**

JEFFREY WOO, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	615 – 38th Avenue. Appealing the denial on July 10, 2006, of Rear Yard Variance (construct a horizontal addition and egress stairs at the 2nd story level, that will extend into the required rear yard of an existing 3-story, single-family dwelling. VARIANCE CASE NO. 2006.0153V. FOR HEARING TODAY.

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Date posted: **August 31, 2006**

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Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, SEPTEMBER 6, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Randall Knox, Commissioner Katharine Albright, Commissioner Michael Garcia, and Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Tina Tam, Senior Planner, Planning Department (PD); Laurence Kornfiled, Chief Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

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(3) ADDENDUM ITEMS:

(3a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 3011 – 20th Street. Permit issued on November 15, 2005. Last day to appeal was November 30, 2005. Jurisdiction request received on July 14, 2006. Letter from Charles Wright, attorney for Dominador Ballesteros, requestor, asking that the Board take jurisdiction over Building Permit Application No(s). 2004/11/04/8587. Permit Holder(s): Chin Soo Kim. Project: erect a 4-story, 3-unit building.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to deny the jurisdiction request.

SPEAKERS: Charles Wright, attorney for requestor; Alice Barkley, attorney for permit holder; Tina Tam, PD; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 06-073**

KAM & SOO WONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	700 – 4th Avenue. Protesting the issuance on April 28, 2006, to Korean Covenant Church, Site Permit to Alter a Building (change occupancy with maximum at 100 persons; add elevator; revise exiting; revise property line fire walls; legalize ground floor kitchen and dining; variance for rear yard exit stair case, variance case no. 2004.0613V). APPLICATION NO. 2005/06/08/4603S. PUBLIC HEARING HELD & CLOSED ON JULY 12, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow parties time to work on settlement regarding mitigation measures.**

ACTION: Upon motion by President Fung, the Board voted 5-0 to continue the matter to October 4, 2006, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 06-118**

KENNETH RAY WALKER, Appellant(s) vs. ENTERTAINMENT COMMISSION, Respondent	1419 Fillmore Street. Protesting the conditional grant on August 1, 2006, to Sheba Piano Lounge, Place of Entertainment Permit. PERMIT NO. EC-849. FOR HEARING TODAY.

ACTION: Upon motion by Vice-President Knox, the Board voted 5-0 to uphold the permit.

SPEAKERS: Netsanet Alemayehu, permit holder; appellant did not appear; Robert Davis, Entertainment Commission.

PUBLIC COMMENT: Charles Spencer said he has several businesses on the Fillmore, and that the subject business is colorful and has good food.

Emmit Powell owns Powell's Place and strongly supports the permit holder because this facility is important to the area.

Karen Babbitt said the neighbors take great pride.

Agonafer Shiferaw said he supports this business and he thanks the others who have come to this hearing to support Sheba Piano Lounge.

Kathy Evans said she had her birthday party at Sheba and their employees were gracious. She saw this Notice of the Entertainment Commission hearing on the property and she supports Sheba because it is a wonderful addition to the Fillmore.

Paul Hyams represents of the owners of the Fillmore Center and said Sheba is a fabulous establishment and he supports it.

Rev. Arnold Townsend spoke in favor of the permit holder.

Jerome Clay said he is the pianist at Sheba and urged the Board to uphold the permit because this is an important venue for jazz and a perfect business in the Fillmore.

(6) **APPEAL NO. 06-088**

YUK NAN PENG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	4726 Anza Street. Protesting the issuance on May 16, 2006, to Laurie Moore, Permit to Alter a Building (on single-family house: enclose existing lateral light well; remodel 2nd floor kitchen; new master bedroom suite at ground floor level; skylight is to be 45-min. fire-rated skylight). APPLICATION NO. 2005/08/02/9209S. FOR HEARING TODAY.

ACTION: Withdrawn by appellant(s).

SPEAKERS: None.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 06-105**

DANIEL CHADBOURNE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2863 California Street. Protesting the issuance on June 30, 2006, to Ping Sung, Site Permit to Erect a Building (3-story, 3-unit building with 2,970sf of ground floor area). APPLICATION NO. 2002/08/06/3236S. FOR HEARING TODAY.

ACTION: Withdrawn by appellant(s).

SPEAKERS: None.

PUBLIC COMMENT: None.

(8) **APPEAL NO. V06-106**

JEFFREY WOO, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	615 – 38th Avenue. Appealing the denial on July 10, 2006, of Rear Yard Variance (construct a horizontal addition and egress stairs at the 2nd story level, that will extend into the required rear yard of an existing 3-story, single-family dwelling. VARIANCE CASE NO. 2006.0153V. FOR HEARING TODAY.

ACTION: Upon motion by Vice-President Knox, the Board voted 5-0 to overrule the denial, grant the variance, with adoption of findings at a later date.

SPEAKERS: Tina Tam, PD; Jeffrey Woo, appellant; Michael Lee, agent for appellant; Brett Gladstone, attorney for appellant; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

There being no further business, President Fung adjourned the meeting at 6:30 p.m.

Robert H Feldman

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from the Official Court Reporter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, SEPTEMBER 13, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS:

(3a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 74 Museum Way. Penalty paid on June 16, 2006. Last day to appeal was July 3, 2006. Jurisdiction request received on July 25, 2006. Letter from Nicole Tai, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2006/06/16/4259 for the purpose of filing a penalty appeal. Project: on 2-unit building, remove decks on 2nd and 3rd floor; insulate and patch siding to match exterior vinyl siding; remove illegal kitchen built in 1977; comply with NOV No. 200451036. **Note: public hearing held and closed on August 16, 2006; for further consideration today; matter continued to allow DBI time to review possibility of administrative reduction of penalty.**

(3b) ADOPTION OF FINDINGS:

Subject property at 504 – 6th Street. Appeal No. 06-039, Hicks vs. DBI, PDD, decided August 16, 2006 at a rehearing. At that time, upon motion by Commissioner Garcia, the Board voted 5-0 to overrule the denial, and grant the permit, with findings to be adopted at a later date. Project: construction of sign (ground, non-electric, single-faced, 14' X 48', with 672sf of total surface area), BPA No. 2005/10/11/5200.

(3c) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1735 Van Ness Avenue. Permit issued on July 24, 2006. Last day to appeal was August 8, 2006. Jurisdiction request received on August 28, 2006. Letter from Harold Darling, requestor(s), asking that the Board take jurisdiction over Building Permit Application No. 2006/07/24/7390. Permit Holder(s): Trophy Properties VII LLC. Project: demolish old cabinets, install new ones, no changes to partition window, no structural. **Note:** Appeal No. 06-122, filed on August 14, 2006 and scheduled for hearing on Oct. 11, 2006, involves a revision permit at the subject property (BPA No. 2006/08/11/9260, on multi-unit apartment building: revision to BPA No. 2006/07/24/7390; increase valuation from $45,000 to $75,000; pay additional fees).

(3d) REHEARING REQUEST:

Subject property at 400 Paul Avenue. Letter from Alice Barkley, attorney for 400 Paul Wave Exchange LLC, appellant, requesting rehearing of Appeal No. 06-092, 400 Paul Wave Exchange LLC vs. ZA, decided August 16, 2006. At that time, upon motion by Commissioner Haaland, the Board voted 3-2 (President Fung and Vice President Knox dissented) to uphold the ZA's determination. Determination: that an additional extension of time in which to meet the obligations of the Conditional Use Authorization (construction of a 4-story, 330,000sf internet services exchange facility) cannot be granted, and therefore, the 3-year time limit (including the previous one year extension) terminated on May 16, 2006.

(4) APPEAL NO. 06-094

ANDREW FERRIGNO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	700E Taylor Street. Appealing the imposition of penalty on June 7, 2006, for work done without a permit (various electrical work including installation of electric heaters). APPLICATION NO. E200605238052. FOR HEARING TODAY.

(5) APPEAL NO. 06-107

LAKESIDE PROPERTY OWNERS ASSOCIATION, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	Junipero Serra Blvd. Greenbelt (from Rossmore Drive to Stratford Drive). Protesting the issuance on July 11, 2006, of Permit to Remove and Replace Twenty-Five (25) Trees. ORDER NO. 176,181. FOR HEARING TODAY.

(6) **APPEAL NO. 06-109**

GALINA SMIRNOVA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1270-1272 – 47th Avenue. Protesting the issuance on July 11, 2006, to W. Szmokaluk, Permit to Alter a Building (on 2-unit building: remove sheet rock; sand and refinish floors; repair bathroom tile; paint walls; replace dishwasher; comply with NOV No. 200670570; all work in Unit 1272). APPLICATION NO. 2006/07/11/6185. FOR HEARING TODAY.

(7) **APPEAL NO. 06-110**

SPORTS BASEMENT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1590 Bryant Street. Appealing a determination dated July 20, 2006, addressed to Tony Sanchez-Corea, concerning a proposal at the subject property for a 54,000 gross square foot Sports Basement store (retail sales and services facility). FOR HEARING TODAY.

(8) **APPEAL NO. V06-111**

EDWARD BRAUER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	289 Frederick Street. Protesting the granting on July 17, 2006, to David Smith & Millicent Buxton-Smith, Rear Yard and Non-Complying Structure Variances (construction of a one-story side horizontal addition at the existing west side setback located towards the rear of the house, and construction of a rear horizontal addition at all three levels). VARIANCE CASE NO. 2005.1012V. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **September 7, 2006**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	**PRESIDENT**
RANDALL KNOX	**VICE PRESIDENT**
KATHARINE ALBRIGHT	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
ROBERT HAALAND	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER – TEL: 415.493.5751 – FAX: 415.493.5042 – EMAIL: cwreporting@comcast.net. THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, SEPTEMBER 13, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Randall Knox, Commissioner Katharine Albright, Commissioner Michael Garcia, and Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Tina Tam, Senior Planner, Planning Department (PD); Laurence Kornfiled, Chief Building Inspector, Dept. of Building Inspection (DBI); Carla Short, Dept. of Public Works Bureau of Urban Forestry (DPW BUF); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

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(3) ADDENDUM ITEMS:

(3a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 74 Museum Way. Penalty paid on June 16, 2006. Last day to appeal was July 3, 2006. Jurisdiction request received on July 25, 2006. Letter from Nicole Tai, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2006/06/16/4259 for the purpose of filing a penalty appeal. Project: on 2-unit building, remove decks on 2nd and 3rd floor; insulate and patch siding to match exterior vinyl siding; remove illegal kitchen built in 1977; comply with NOV No. 200451036. **Note: public hearing held and closed on August 16, 2006; for further consideration today; matter continued to allow DBI time to review possibility of administrative reduction of penalty.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to deny the jurisdiction request (since DBI administratively reduced the penalty).

SPEAKER: Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(3b) ADOPTION OF FINDINGS:

Subject property at 504 – 6th Street. Appeal No. 06-039, Hicks vs. DBI, PDD, decided August 16, 2006 at a rehearing. At that time, upon motion by Commissioner Garcia, the Board voted 5-0 to overrule the denial, and grant the permit, with findings to be adopted at a later date. Project: construction of sign (ground, non-electric, single-faced, 14' X 48', with 672sf of total surface area), BPA No. 2005/10/11/5200.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to reschedule the matter to October 4, 2006, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(3c) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1735 Van Ness Avenue. Permit issued on July 24, 2006. Last day to appeal was August 8, 2006. Jurisdiction request received on August 28, 2006. Letter from Harold Darling, requestor(s), asking that the Board take jurisdiction over Building Permit Application No. 2006/07/24/7390. Permit Holder(s): Trophy Properties VII LLC. Project: demolish old cabinets, install new ones, no changes to partition window, no structural. **Note:** Appeal No. 06-122, filed on August 14, 2006 and scheduled for hearing on Oct. 11, 2006, involves a revision permit at the subject property (BPA No. 2006/08/11/9260, on multi-unit apartment building: revision to BPA No. 2006/07/24/7390; increase valuation from $45,000 to $75,000; pay additional fees).

ACTION: Upon motion by Commissioner Albright, the Board voted 5-0 to deny the jurisdiction request.

SPEAKERS: Harold Darling, requestor; Edward Singer, attorney for permit holder; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(3d) **REHEARING REQUEST:**

Subject property at 400 Paul Avenue. Letter from Alice Barkley, attorney for 400 Paul Wave Exchange LLC, appellant, requesting rehearing of Appeal No. 06-092, 400 Paul Wave Exchange LLC vs. ZA, decided August 16, 2006. At that time, upon motion by Commissioner Haaland, the Board voted 3-2 (President Fung and Vice President Knox dissented) to uphold the ZA's determination. Determination: that an additional extension of time in which to meet the obligations of the Conditional Use Authorization (construction of a 4-story, 330,000sf internet services exchange facility) cannot be granted, and therefore, the 3-year time limit (including the previous one year extension) terminated on May 16, 2006.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-1 (Vice-President Knox dissented) to deny the rehearing request.

SPEAKER: Alice Barkley, attorney for appellant.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 06-094**

ANDREW FERRIGNO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	700E Taylor Street. Appealing the imposition of penalty on June 7, 2006, for work done without a permit (various electrical work including installation of electric heaters). APPLICATION NO. E200605238052. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to uphold the penalty.

SPEAKERS: Laurence Kornfield, DBI; Chris Ferrigno, agent for appellant.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 06-107**

LAKESIDE PROPERTY OWNERS ASSOCIATION, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	Junipero Serra Blvd. Greenbelt (from Rossmore Drive to Stratford Drive). Protesting the issuance on July 11, 2006, of Permit to Remove and Replace Twenty-Five (25) Trees. ORDER NO. 176,181. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Haaland, the Board voted 5-0 to uphold the order as to removal, and overturn the order as to maintenance responsibility, with adoption of findings as prepared by the Office of the City Attorney (OCA).

SPEAKERS: Carla Short, DPW, BUF; Allen Grossman, attorney for appellant.

PUBLIC COMMENT: Bill Schneider said ten of the trees can be pruned and need not be cut down.

Margaret Lyman spoke in support of the appellant.

Hal McDermid said three groups are here, ie, properties fronting on Denslowe, Stratford and Lakeside. The City is ignoring its responsibility given the history of the strip. The Monterey Cypress can be pruned.

Bruce Grimes said the strip is no longer a greenbelt but rather a black belt because of all the trash that accumulates on it and it is used as a dump, and that one of the old trees fell and nearly hit his house. New trees are called for.

Linda Liebett said she never has seen anything that says owners are responsible for the trees.

Ashley Ferry said the greenbelt is very important to people and animals, and that the canopy is special for some animals.

Uma Sinha said the issue is the heavy traffic that uses this part of Junipera Serra Blvd., and that without the trees the noise will increase.

Brian Bonner urged the Board to reject the DPW order.

Norma Campbell is ashamed of the City because of the noise and trash in this area, which has many facilities, churches, high schools, colleges, and students parking along curbs.

Wolfgang Liebelt said there is significant opposition to removal of the trees, and that the DPW website says owners are responsible for small portion, but not the rest of it.

Bill Mahar said he used to live in this area and he is appalled at what has happened to the greenbelt.

(6) **APPEAL NO. 06-109**

GALINA SMIRNOVA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1270-1272 – 47th Avenue. Protesting the issuance on July 11, 2006, to W. Szmokaluk, Permit to Alter a Building (on 2-unit building: remove sheet rock; sand and refinish floors; repair bathroom tile; paint walls; replace dishwasher; comply with NOV No. 200670570; all work in Unit 1272). APPLICATION NO. 2006/07/11/6185. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5-0 to revoke the permit (with an oral directive to DBI to examine the livability of the subject unit).

SPEAKERS: Galina Smirnova, appellant; Tina Tam, PD; permit holder did not appear.

PUBLC COMMENT: None.

(7) **APPEAL NO. 06-110**

SPORTS BASEMENT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1590 Bryant Street. Appealing a determination dated July 20, 2006, addressed to Tony Sanchez-Corea, concerning a proposal at the subject property for a 54,000 gross square foot Sports Basement store (retail sales and services facility). FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Haaland, the Board voted 5-0 to uphold the determination.

SPEAKERS: Tina Tam, PD; Tony Sanchez-Corea Jr., agent for appellant; David Rumberg, subject property owner and agent for appellant.

PUBLIC COMMENT: None.

(8) **APPEAL NO. V06-111**

EDWARD BRAUER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	289 Frederick Street. Protesting the granting on July 17, 2006, to David Smith & Millicent Buxton-Smith, Rear Yard and Non-Complying Structure Variances (construction of a one-story side horizontal addition at the existing west side setback located towards the rear of the house, and construction of a rear horizontal addition at all three levels). VARIANCE CASE NO. 2005.1012V. FOR HEARING TODAY.

ACTION: Upon motion by Vice-President Knox, the Board voted 5-0 to uphold the variance.

SPEAKER: Bill Mahar, agent for appellant; appellant did not appear.

PUBLIC COMMENT: None.

There being no further business, President Fung adjourned the meeting at 8:55 p.m.

Robert H Feld

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from the Official Court Reporter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, SEPTEMBER 20, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMMISSIONERS COMMENTS & QUESTIONS:

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(3) ADDENDUM ITEMS:

(3a) SPECIAL ITEM:

Subject property at 1284 Mission Street. Appeal No. 06-103, Lee's Oriental Massage vs. DPH, (appealing revocation by Department of Public Health of Massage Practitioner Permit). Request by appellant to disqualify Office of the City Attorney from representing the respondent (Dept. of Public Health).

(3b) SPECIAL ITEM:

Subject property at 1284 Mission Street. Appeal No. 06-103, Lee's Oriental Massage vs. DPH, (appealing revocation by Department of Public Health of Massage Practitioner Permit). Request by appellant to disqualify the members of the Board of Appeals.

(4) APPEAL NO. 06-103

ARTHUR LEE dba LEE'S ORIENTAL MASSAGE", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1284 Mission Street. Appealing the revocation on July 6, 2006, of a Massage Establishment Permit. FOR HEARING TODAY.

(5) **APPEAL NO. 00-096**

TREVOR FOOKS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1623-1625 Noe Street. Zoning Administrator's determination dated June 13, 2000 that under the RH-2 zoning of the property, the illegal third basement unit of the two-unit building must be removed, and with certain alterations the space may remain habitable space as part of one of the two lawful units. PUBLIC HEARINGS HELD ON JULY 26, 2000, OCTOBER 30, 2002, & FEBRUARY 22, 2006. REHEARING REQUEST GRANTED ON MARCH 29, 2006. FOR REHEARING TODAY.

(6) **APPEAL NO. V06-079**

RICHARD GARVIN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1043-1045 Francisco Street. Protesting the granting on May 12, 2006, to John Chiatello, Rear Yard Variance (construction of a one-story horizontal addition over existing one-story extension at the rear of the building, of which a 3 foot portion would be within the required rear yard). VARIANCE CASE NO. 2005.0032DV. PUBLIC HEARING HELD & CLOSED ON JULY 19, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow parties time to negotiate a settlement.**

(7) **APPEAL NO. 06-086**

GERRIE SCOTT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	121 Brighton Avenue. Protesting the issuance on May 15, 2006, to Jose Pereda, Site Permit to Alter a Building (on single-family house: 3rd floor addition to existing 2-story residence; horizontal addition/extension of 18" is proposed for a portion of the front façade; existing kitchen will be remodeled under this permit). APPLICATION NO. 2005/09/14/2906S. PUBLIC HEARING HELD & CLOSED ON AUGUST 16, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: matter continued to allow time for DBI and Planning to process the legalization permit (legalization of work done without permits on 1st and 2nd floors).**

(8) APPEAL NO. 06-099

ROY LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	139-141 Blake Street. Appealing the imposition of penalty on July 6, 2006, for electrical work done without a permit. APPLICATION NO. E2006/06/28/9014. PUBLIC HEARING HELD & CLOSED ON AUGUST 30, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for DBI to obtain written transcript of proceedings for appellant.**

(9) APPEAL NO. 06-112

GLORIA LOMELI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	565 Banks Street. Appealing the imposition of penalty on July 28, 2006, for work done without a permit (on single-family house: comply with NOV Nos. 200120287 and 200453635; demolish one-story rear addition constructed without permit). APPLICATION NO. 2006/06/14/4007. FOR HEARING TODAY.

(10) APPEAL NO. 06-077

TOHA QUAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2395 – 12th Avenue. Appealing a Notice of Violation dated May 1, 2006, addressed to Toha Quan and Anna Wong, that a manufacturing and processing operation has been established at the subject property, in violation of Planning Code §§ 151, 204.1, 226, and 711.38. FOR HEARING TODAY.

(11) **APPEAL NO. 06-100**

IRMA VALDEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2955 – 26th Street. Protesting the issuance on March 3, 2006, to Anh Hua, Permit to Alter a Building (on single-family house: remove kitchen in basement; convert full bath to half bath at ground floor). APPLICATION NO. 2006/03/03/5924. JURISDICTION GRANTED JUNE 21, 2006. FOR HEARING TODAY.

(12) **APPEAL NO. 06-113**

ERICA ZWEIG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1399 – 43rd Avenue. Protesting the issuance on July 20, 2006, to Omnipoint – T-Mobile, Permit to Alter a Building (on a church: installation of micro-cellular antennae on south side, top of chimney, which will be concealed by an RF transparent box; repaint entire chimney and screening box to match main building; installation of micro-cell equipment cabinets on north facing wall behind chimney; power PPC cabinet and TELCO cabinet on south facing wall adjacent to micro-cell cabinets; construct wood enclosure to secure and conceal cabinets; install wiring and cable tray, painted to match, from equipment cabinets to antennae). APPLICATION NO. 2005/09/30/4424. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **Sept. 14, 2006**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	**PRESIDENT**
RANDALL KNOX	**VICE PRESIDENT**
KATHARINE ALBRIGHT	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
ROBERT HAALAND	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER – TEL: 415.493.5751 – FAX: 415.493.5042 – EMAIL: cwreporting@comcast.net. THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber.
TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, SEPTEMBER 20, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Randall Knox, Commissioner Katharine Albright, Commissioner Michael Garcia, and Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Tina Tam, Senior Planner, Planning Department (PD); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Cecilia Mangoba, Dept. of Public Health (DPH); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

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(3) ADDENDUM ITEMS:

(3a) SPECIAL ITEM:

Subject property at 1284 Mission Street. Appeal No. 06-103, Lee's Oriental Massage vs. DPH, (appealing revocation by Department of Public Health of Massage Practitioner Permit). Request by appellant to disqualify Office of the City Attorney from representing the respondent (Dept. of Public Health).

ACTION: Upon motion by Commissioner Haaland, the Board voted 5-0 to deny the request to disqualify the Office of City Attorney from representing the Dept. of Public Health.

SPEAKERS: Geoffrey Rotwein, attorney for appellant; Cecilia Mangoba, attorney for DPH.

PUBLIC COMMENT: Francisco DaCosta.

(3b) **SPECIAL ITEM:**

Subject property at 1284 Mission Street. Appeal No. 06-103, Lee's Oriental Massage vs. DPH, (appealing revocation by Department of Public Health of Massage Practitioner Permit). Request by appellant to disqualify the members of the Board of Appeals.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to deny the request to disqualify the Board of Appeals.

SPEAKER: Geoffrey Rotwein, attorney for appellant.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 06-103**

ARTHUR LEE dba LEE'S ORIENTAL MASSAGE", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1284 Mission Street. Appealing the revocation on July 6, 2006, of a Massage Establishment Permit. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0 to recuse Randall Knox.

Upon motion by Commissioner Albright, the Board voted 4-0-1 (Commissioner Knox recused) to uphold the revocation.

SPEAKERS: Cecilia Mangoba, attorney for DPH; Adrial Hampton, OCA; Geoffrey Rotwein, attorney for appellant.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 00-096**

TREVOR FOOKS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1623-1625 Noe Street. Zoning Administrator's determination dated June 13, 2000 that under the RH-2 zoning of the property, the illegal third basement unit of the two-unit building must be removed, and with certain alterations the space may remain habitable space as part of one of the two lawful units. PUBLIC HEARINGS HELD ON JULY 26, 2000, OCTOBER 30, 2002, & FEBRUARY 22, 2006. REHEARING REQUEST GRANTED ON MARCH 29, 2006. FOR REHEARING TODAY.

ACTION: Upon motion by Commissioner Haaland, the Board voted 5-0 to continue the matter to "Call of Chair" / Indefinite Agenda.

SPEAKERS: Tina Tam, PD; Trevor Fooks, Appellant; Sally Maulsby, tenant; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(6) **APPEAL NO. V06-079**

RICHARD GARVIN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1043-1045 Francisco Street. Protesting the granting on May 12, 2006, to John Chiatello, Rear Yard Variance (construction of a one-story horizontal addition over existing one-story extension at the rear of the building, of which a 3 foot portion would be within the required rear yard). VARIANCE CASE NO. 2005.0032DV. PUBLIC HEARING HELD & CLOSED ON JULY 19, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow parties time to negotiate a settlement.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to continue the matter to October 4, 2006, at written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 06-086**

GERRIE SCOTT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	121 Brighton Avenue. Protesting the issuance on May 15, 2006, to Jose Pereda, Site Permit to Alter a Building (on single-family house: 3rd floor addition to existing 2-story residence; horizontal addition/extension of 18" is proposed for a portion of the front façade; existing kitchen will be remodeled under this permit). APPLICATION NO. 2005/09/14/2906S. PUBLIC HEARING HELD & CLOSED ON AUGUST 16, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: matter continued to allow time for DBI and Planning to process the legalization permit (legalization of work done without permits on 1st and 2nd floors).**

ACTION: Upon motion by Vice-President Knox, the Board voted 5-0 to revoke the permit, with a finding that it was improperly issued because there is no record that lower 2 floors were built with a permit.

SPEAKERS: Tina Tam, PD; Jeff Gard, architect for permit holder; Laurence Kornfield, DBI; Gerrie Scott, appellant.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 06-099**

ROY LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	139-141 Blake Street. Appealing the imposition of penalty on July 6, 2006, for electrical work done without a permit. APPLICATION NO. E2006/06/28/9014. PUBLIC HEARING HELD & CLOSED ON AUGUST 30, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for DBI to obtain written transcript of proceedings for appellant.**

ACTION: Upon motion by Vice-President Knox, the Board voted 5-0 to uphold the penalty.

SPEAKERS: Roy Lee, appellant; Laurence Kornfield, DBI; Tina Tam, PD.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 06-112**

GLORIA LOMELI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	565 Banks Street. Appealing the imposition of penalty on July 28, 2006, for work done without a permit (on single-family house: comply with NOV Nos. 200120287 and 200453635; demolish one-story rear addition constructed without permit). APPLICATION NO. 2006/06/14/4007. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to reduce the penalty to two times the regular fee.

SPEAKERS: Alberto Del Rio, son of appellant; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 06-077**

TOHA QUAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2395 – 12th Avenue. Appealing a Notice of Violation dated May 1, 2006, addressed to Toha Quan and Anna Wong, that a manufacturing and processing operation has been established at the subject property, in violation of Planning Code §§ 151, 204.1, 226, and 711.38. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5-0 to continue the matter to October 18, 2006, with the public hearing closed.

SPEAKERS: Tina Tam, PD; John Chu, attorney for appellant; Toha Quan, appellant.

PUBLIC COMMENT: None.

(11) **APPEAL NO. 06-100**

IRMA VALDEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2955 – 26th Street. Protesting the issuance on March 3, 2006, to Anh Hua, Permit to Alter a Building (on single-family house: remove kitchen in basement; convert full bath to half bath at ground floor). APPLICATION NO. 2006/03/03/5924. JURISDICTION GRANTED JUNE 21, 2006. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to revoke the permit with the following finding: revoked at request of parties so the permit holder can seek a variance to legalize the subject unit.

SPEAKERS: None.

PUBLIC COMMENT: None.

(12) **APPEAL NO. 06-113**

ERICA ZWEIG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1399 – 43rd Avenue. Protesting the issuance on July 20, 2006, to Omnipoint – T-Mobile, Permit to Alter a Building (on a church: installation of micro-cellular antennae on south side, top of chimney, which will be concealed by an RF transparent box; repaint entire chimney and screening box to match main building; installation of micro-cell equipment cabinets on north facing wall behind chimney; power PPC cabinet and TELCO cabinet on south facing wall adjacent to micro-cell cabinets; construct wood enclosure to secure and conceal cabinets; install wiring and cable tray, painted to match, from equipment cabinets to antennae). APPLICATION NO. 2005/09/30/4424. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-1 (Commissioner Haaland dissented) to uphold the permit.

SPEAKERS: Erica Zweig, appellant; Paul Albritton, attorney for permit Holder; Tina Tam, PD.

PUBLIC COMMENT: Doug Jacuzzi said he objects to this project because there are many children living nearby who may be affected and if this installation is approved there will be many more in the Sunset.

There being no further business, President Fung adjourned the meeting at 8:25 p.m.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, OCTOBER 4, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS:

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(3a) ADOPTION OF FINDINGS:

Subject property at 615 – 38th Avenue. Appeal No. V06-106, Woo vs. ZA, decided September 6, 2006. At that time, upon motion by Vice President Knox, the Board voted 5-0 to overrule the denial, and grant the variance with findings to be adopted at a later date. Project: Rear Yard Variance (construct a horizontal addition and egress stairs at the 2nd story level, that will extend into the required rear yard of an existing 3-story, single-family dwelling); variance case no. 2006.0153V.

09-29-06A11:40 RCVD

(3b) ADOPTION OF FINDINGS:

Subject property at 504 – 6th Street. Appeal No. 06-039, Hicks vs. DBI, PDD, decided August 16, 2006 at a rehearing. At that time, upon motion by Commissioner Garcia, the Board voted 5-0 to overrule the denial, and grant the permit, with findings to be adopted at a later date. Project: construction of sign (ground, non-electric, single-faced, 14' X 48', with 672sf of total surface area), BPA No. 2005/10/11/5200.

(3c) SPECIAL ITEM:

Subject property at Junipero Serra Greenbelt, from Rossmoor Drive to Stratford Drive. Appeal No. 06-107, Lakeside Property Owners Association vs. DPW BUF, decided Sept. 13, 2006. At that time, upon motion by Commissioner Haaland, the Board voted 5-0 to uphold the order for removal of 25 trees, and to overturn the order as to financial responsibility. William Schneider and Harold McDermid, members of the Lakeside Property Owners Association, assert the right to request rehearing, but the Association has not requested a rehearing. Board Rule Article V, Section 6 specifies that "reheaing request[s] may be filed only by principals in the appeal."

(4) **APPEAL NO. 03-133**

ISHTIAQ BOKHARI, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on August 18, 2003, of a Driver of Public Passenger Vehicle for Hire Permit. RESOLUTION NO. 2003-65. PUBLIC HEARING HELD & CLOSED ON FEB. 11, 2004. FOR FURTHER CONSIDERATION TODAY. **Note: Board voted on Feb. 11, 2004 to reschedule this appeal to the indefinite calendar so that the medallion revocation hearing can go forward at the Taxi Commission, and if the TC revokes the medallion, and the appellant appeals the revocation to the Board, then both appeals shall be heard together.**

(5) **APPEAL NO. 06-073**

KAM & SOO WONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	700 – 4th Avenue. Protesting the issuance on April 28, 2006, to Korean Covenant Church, Site Permit to Alter a Building (change occupancy with maximum at 100 persons; add elevator; revise exiting; revise property line fire walls; legalize ground floor kitchen and dining; variance for rear yard exit stair case, variance case no. 2004.0613V). APPLICATION NO. 2005/06/08/4603S. PUBLIC HEARING HELD & CLOSED ON JULY 12, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow parties time to work on settlement regarding mitigation measures.**

(6) **APPEAL NO. V06-079**

RICHARD GARVIN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1043-1045 Francisco Street. Protesting the granting on May 12, 2006, to John Chiatello, Rear Yard Variance (construction of a one-story horizontal addition over existing one-story extension at the rear of the building, of which a 3 foot portion would be within the required rear yard). VARIANCE CASE NO. 2005.0032DV. PUBLIC HEARING HELD & CLOSED ON JULY 19, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow parties time to negotiate a settlement.**

(7) **APPEAL NO. 06-115**

MAYA HOVEY, JOSE & JULIA DOMINGUEZ, MARTA DOMINGUEZ, MELESIO & MARIA SANTIAGO, MILTON & MARINA GIRON, FLORENZIO & CELIA CARREON, SALVADOR & GUILLERMINA RODRIGUEZ, JOSE ESTRADA, ISABEL MACALL, CARLOS PAZ, TOMASA PAZ, ERNESTO & MARICELLA ACEVES, and BENJAMIN & ELIZABETH HENRIQUEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1468 Folsom Street. Protesting the issuance on July 24, 2006, to Hanford Freund & Co., Permit to Alter a Building (on multi-unit apt. building: selective demolition in units 3, 6, 7, and 12 to perform mold abatement; install new sheet rock (replacement in kind) as required). APPLICATION NO. 2006/07/24/7385. FOR HEARING TODAY.

(8) **APPEAL NO. 06-116**

PATRICK BUSCOVICH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3527-3529 – 21st Street. Protesting the issuance on July 26, 2006, to Reid Yalom, Permit to Alter a Building (basement level unit to revert to storage; legalize backroom and accessory office; remove 3rd level roof deck). APPLICATION NO. 2006/07/26/7705. FOR HEARING TODAY.

(9) **APPEAL NO. 06-117**

PAUL & CHRISTINE SEAWELL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3245 Pacific Avenue. Protesting the issuance on July 28, 2006, to Richard & Jennifer Emerson, Site Permit to Alter a Building (on single-family house: addition of roof dormers to attic storage space with new stairs to attic; interior basement remodel; relocate furnace; replace water heaters). APPLICATION NO. 2006/03/02/5877S. FOR HEARING TODAY.

(10) **APPEAL NO. 06-119**

CATHERINE WATT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1520 Monterey Blvd. Protesting the issuance on August 1, 2006, to Thomas & Audry Yi, Site Permit to Alter a Building (enlarge garage to 460sf). APPLICATION NO. 2005/10/05/4878S. FOR HEARING TODAY.

(11) **APPEAL NO. V06-120**

MARK COUREY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1310 Stanyan Street. Protesting the granting on August 2, 2006, to Albert Blaylock, Parking Variance (construct a one-family dwelling adjacent to an undeveloped street with no off-street parking). VARIANCE CASE NO. 2004.1167V. FOR HEARING TODAY.

(12) **APPEAL NO. 06-121**

2604-2606 BUCHANAN STREET HOMEOWNERS ASSOCIATION, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2608-2610 Buchanan Street. Protesting the issuance on August 1, 2006, to Sol Cera & Chandra Cen, Site Permit to Alter a Building (on 2-unit building: various exterior and interior work). APPLICATION NO. 2006/02/09/4285S. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **September 28, 2006**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	**PRESIDENT**
RANDALL KNOX	**VICE PRESIDENT**
KATHARINE ALBRIGHT	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
ROBERT HAALAND	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER – TEL: 415.493.5751 – FAX: 415.493.5042 – EMAIL: cwreporting@comcast.net. THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber.
TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, OCTOBER 4, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Randall Knox, Commissioner Katharine Albright, Commissioner Michael Garcia, and Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Tina Tam, Senior Planner, Planning Department (PD); Ron Tom, Chief Building Inspector, Dept. of Building Inspection (DBI); Thomas Owen, Deputy City Attorney for Taxi Commission; Carla Short, Department of Public Works Bureau of Urban Forestry (DPW BUF); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKER: David Pilpel suggested the Board urge SFGTV Channel 26 to broadcast Board of Appeals meetings live on Wednesday nights.

(2) COMMMISSIONERS COMMENTS & QUESTIONS:

ACTION: Upon motion by President. Fung, the Board voted 5-0 to cancel the meeting of Nov. 1, 2006 and reschedule all cases to October 25, 2006.

SPEAKERS: None.

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(3) ADDENDUM ITEMS:

(3a) ADOPTION OF FINDINGS:

Subject property at 615 – 38th Avenue. Appeal No. V06-106, Woo vs. ZA, decided September 6, 2006. At that time, upon motion by Vice President Knox, the Board voted 5-0 to overrule the denial, and grant the variance with findings to be adopted at a later date. Project: Rear Yard Variance (construct a horizontal addition and egress stairs at the 2nd story level, that will extend into the required rear yard of an existing 3-story, single-family dwelling); variance case no. 2006.0153V.

ACTION: Rescheduled to October 25, 2006.

SPEAKERS: None. Appellant did not appear.

PUBLIC COMMENT: None.

(3b) ADOPTION OF FINDINGS:

Subject property at 504 – 6th Street. Appeal No. 06-039, Hicks vs. DBI, PDD, decided August 16, 2006 at a rehearing. At that time, upon motion by Commissioner Garcia, the Board voted 5-0 to overrule the denial, and grant the permit, with findings to be adopted at a later date. Project: construction of sign (ground, non-electric, single-faced, 14' X 48', with 672sf of total surface area), BPA No. 2005/10/11/5200.

ACTION: Upon motion by President. Fung, the Board voted 5-0 to reschedule the matter to October 25, 2006.

SPEAKERS: None.

PUBLIC COMMENT: None.

(3c) SPECIAL ITEM:

Subject property at Junipero Serra Greenbelt, from Rossmoor Drive to Stratford Drive. Appeal No. 06-107, Lakeside Property Owners Association vs. DPW BUF, decided Sept. 13, 2006. At that time, upon motion by Commissioner Haaland, the Board voted 5-0 to uphold the order for removal of 25 trees, and to overturn the order as to financial responsibility. William Schneider and Harold McDermid, members of the Lakeside Property Owners Association, assert the right to request rehearing, but the Association has not requested a rehearing. Board Rule Article V, Section 6 specifies that "reheaing request[s] may be filed only by principals in the appeal."

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to deny the request to file a rehearing request.

SPEAKERS: William Schneider, requestor; Hal McDermid, requestor; Hal Halper, agent for LPOA.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 03-133**

ISHTIAQ BOKHARI, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on August 18, 2003, of a Driver of Public Passenger Vehicle for Hire Permit. RESOLUTION NO. 2003-65. PUBLIC HEARING HELD & CLOSED ON FEB. 11, 2004. FOR FURTHER CONSIDERATION TODAY. **Note: Board voted on Feb. 11, 2004 to reschedule this appeal to the indefinite calendar so that the medallion revocation hearing can go forward at the Taxi Commission, and if the TC revokes the medallion, and the appellant appeals the revocation to the Board, then both appeals shall be heard together.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to uphold the revocation.

SPEAKERS: Tom Owen, attorney for Taxi Commission; Sherry Gendelman, attorney for appellant.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 06-073**

KAM & SOO WONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	700 – 4th Avenue. Protesting the issuance on April 28, 2006, to Korean Covenant Church, Site Permit to Alter a Building (change occupancy with maximum at 100 persons; add elevator; revise exiting; revise property line fire walls; legalize ground floor kitchen and dining; variance for rear yard exit stair case, variance case no. 2004.0613V). APPLICATION NO. 2005/06/08/4603S. PUBLIC HEARING HELD & CLOSED ON JULY 12, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow parties time to work on settlement regarding mitigation measures.**

ACTION: Upon motion by Vice President Knox, the Board voted 5-0 to continue the matter to November 15, 2006 at the written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(6) **APPEAL NO. V06-079**

RICHARD GARVIN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1043-1045 Francisco Street. Protesting the granting on May 12, 2006, to John Chiatello, Rear Yard Variance (construction of a one-story horizontal addition over existing one-story extension at the rear of the building, of which a 3 foot portion would be within the required rear yard). VARIANCE CASE NO. 2005.0032DV. PUBLIC HEARING HELD & CLOSED ON JULY 19, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow parties time to negotiate a settlement.**

ACTION: Withdrawn by appellant(s).

SPEAKERS: None.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 06-115**

MAYA HOVEY, JOSE & JULIA DOMINGUEZ, MARTA DOMINGUEZ, MELESIO & MARIA SANTIAGO, MILTON & MARINA GIRON, FLORENZIO & CELIA CARREON, SALVADOR & GUILLERMINA RODRIGUEZ, JOSE ESTRADA, ISABEL MACALL, CARLOS PAZ, TOMASA PAZ, ERNESTO & MARICELLA ACEVES, and BENJAMIN & ELIZABETH HENRIQUEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1468 Folsom Street. Protesting the issuance on July 24, 2006, to Hanford Freund & Co., Permit to Alter a Building (on multi-unit apt. building: selective demolition in units 3, 6, 7, and 12 to perform mold abatement; install new sheet rock (replacement in kind) as required). APPLICATION NO. 2006/07/24/7385. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to reschedule the matter to October 11, 2006 at the written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 06-116**

PATRICK BUSCOVICH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3527-3529 – 21st Street. Protesting the issuance on July 26, 2006, to Reid Yalom, Permit to Alter a Building (basement level unit to revert to storage; legalize backroom and accessory office; remove 3rd level roof deck). APPLICATION NO. 2006/07/26/7705. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5-0 to reschedule the matter to November 8, 2006.

SPEAKERS: Pat Buscovich, appellant; Lisa Amick, tenant; Reid Yalom, permit holder; Ron Tom, DBI.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 06-117**

PAUL & CHRISTINE SEAWELL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3245 Pacific Avenue. Protesting the issuance on July 28, 2006, to Richard & Jennifer Emerson, Site Permit to Alter a Building (on single-family house: addition of roof dormers to attic storage space with new stairs to attic; interior basement remodel; relocate furnace; replace water heaters). APPLICATION NO. 2006/03/02/5877S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Albright, the Board voted 5-0 to uphold the permit with various conditions as read into the record.

SPEAKERS: Pat Buscovich, agent for appellants; Jim Reuben, attorney for permit holder; Denise Leadbetter, attorney for appellants.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 06-119**

CATHERINE WATT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1520 Monterey Blvd. Protesting the issuance on August 1, 2006, to Thomas & Audry Yi, Site Permit to Alter a Building (enlarge garage to 460sf). APPLICATION NO. 2005/10/05/4878S. FOR HEARING TODAY.

ACTION: Upon motion by Commission Haaland, the Board voted 5-0 to reschedule the matter to October 11, 2006.

SPEAKERS: Thomas Yi, permit holder; Shanon Devine, agent for permit holder; Ron Tom, DBI.

PUBLIC COMMENT: John Marciano spoke in support of permit holder.

(11) **APPEAL NO. V06-120**

MARK COUREY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1310 Stanyan Street. Protesting the granting on August 2, 2006, to Albert Blaylock, Parking Variance (construct a one-family dwelling adjacent to an undeveloped street with no off-street parking). VARIANCE CASE NO. 2004.1167V. FOR HEARING TODAY.

ACTION: Upon motion by Commission Haaland, the Board voted 5-0 to uphold the variance on condition that the variance holder preserve the natural environment to the greatest extent possible, consistent with the Code.

SPEAKERS: Tina Tam, PD; Stephen Williams, attorney for appellant; Mark Brand, agent for variance holder; Ron Tom, DBI; Mark Courey, appellant.

PUBLIC COMMENT: None.

(12) **APPEAL NO. 06-121**

2604-2606 BUCHANAN STREET HOMEOWNERS ASSOCIATION, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2608-2610 Buchanan Street. Protesting the issuance on August 1, 2006, to Sol Cera & Chandra Cen, Site Permit to Alter a Building (on 2-unit building: various exterior and interior work). APPLICATION NO. 2006/02/09/4285S. FOR HEARING TODAY.

ACTION: Withdrawn by appellant(s).

SPEAKERS: None.

PUBLIC COMMENT: None.

There being no further business, President Fung adjourned the meeting at 8:45 p.m.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 415-506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, OCTOBER 11, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADDENDUM ITEMS:**

(3a) **REHEARING REQUEST:**

Subject property at 1590 Bryant Street. Letter from Mary Murphy, attorney for Sports Basement, appellant, requesting rehearing of Appeal No. 06-110, Sports Basement vs. ZA, decided September 13, 2006. At that time, upon motion by Commissioner Haaland, the Board voted 5-0 to uphold the determination (concerning a proposal at the subject property for a 54,000 gross square foot Sports Basement store (retail sales and services facility)).

(3b) **REHEARING REQUEST:**

Subject property at 1399 – 43rd Avenue. Letter from Erica Zweig, appellant, requesting rehearing of Appeal No. 06-113, Zweig vs. DBI, PDA, decided September 20, 2006. At that time, upon motion by Commissioner Garcia, the Board voted 4-1 (Commissioner Haaland dissented) to uphold the subject permit. Permit Holder: Omnipoint – T-Mobile. Project: on a church, installation of micro-cellular antennae on south side, top of chimney, which will be concealed by an RF transparent box; repaint entire chimney and screening box to match main building; installation of micro-cell equipment cabinets on north facing wall behind chimney; power PPC cabinet and TELCO cabinet on south facing wall adjacent to micro-cell cabinets; construct wood enclosure to secure and conceal cabinets; install wiring and cable tray, painted to match, from equipment cabinets to antennae; BPA No. 2005/09/30/4424.

(3c) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 4120 – 23rd Street. Permit issued on September 23, 2005. Last day to appeal was October 11, 2005. Jurisdiction request received on September 29, 2006. Letter from Robert Call, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2002/02/25/9972. Project: horizontal addition to rear of building; construct a new garage at street level. Permit Holder: Darryl Leung.

(4) **APPEAL NO. 06-127**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREE-USE & MAPPING, Respondent	101 Junipero Serra Blvd. Appealing the denial on August 4, 2006, of Surface Mounted Facility Permit. HEARING TODAY.

(5) **APPEAL NO. 06-128**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREE-USE & MAPPING, Respondent	1997 Buchanan Street. Appealing the denial on August 4, 2006, of Surface Mounted Facility Permit. FOR HEARING TODAY.

(6) **APPEAL NO. 06-115**

MAYA HOVEY, JOSE & JULIA DOMINGUEZ, MARTA DOMINGUEZ, MELESIO & MARIA SANTIAGO, MILTON & MARINA GIRON, FLORENZIO & CELIA CARREON, SALVADOR & GUILLERMINA RODRIGUEZ, JOSE ESTRADA, ISABEL MACALL, CARLOS PAZ, TOMASA PAZ, ERNESTO & MARICELLA ACEVES, and BENJAMIN & ELIZABETH HENRIQUEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1468 Folsom Street. Protesting the issuance on July 24, 2006, to Hanford Freund & Co., Permit to Alter a Building (on multi-unit apt. building: selective demolition in units 3, 6, 7, and 12 to perform mold abatement; install new sheet rock (replacement in kind) as required). APPLICATION NO. 2006/07/24/7385. FOR HEARING TODAY.

(7) **APPEAL NO. 06-119**

CATHERINE WATT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1520 Monterey Blvd. Protesting the issuance on August 1, 2006, to Thomas & Audry Yi, Site Permit to Alter a Building (enlarge garage to 460sf). APPLICATION NO. 2005/10/05/4878S. FOR HEARING TODAY.

(8) **APPEAL NO. 06-123**

MATTHEW SUM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1767 – 34th Avenue. Protesting the issuance on August 2, 2006, to Miguel Puente, Permit to Alter a Building (on single-family house: install rear deck at 36" above grade; abate NOV No. 200669303). APPLICATION NO. 2006/08/02/8388. FOR HEARING TODAY.

(9) **APPEAL NO. 06-124**

KHALED DAJANI, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1302-1306 Fulton Street. Appealing a determination dated August 1, 2006, addressed to Brett Gladstone, regarding the reinstatement of an inactive/dormant Alcohol Beverage Control (ABC) License Type 20 (Off-Sale Beer & Wine) in the Divisadero Street Alcohol Restricted Use District. FOR HEARING TODAY.

(10) **APPEAL NO. 06-125**

JEREMY PAUL, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Determination Holder(s): DAVID PETERSON	600 Fillmore Street. Appealing a determination dated August 2, 2006, addressed to David Peterson, regarding a proposed Laundromat as a Limited Commercial Use on the ground floor of the subject property. FOR HEARING TODAY.

(11) **APPEAL NO. 06-126**

BETH BRILL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3536 Sacramento Street. Protesting the issuance on August 8, 2006, to Don Shinazyent, Permit to Alter a Building (installation of automotive spray paint booth with heated air make-up system). APPLICATION NO. 2006/04/20/9455. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **October 5, 2006**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	**PRESIDENT**
RANDALL KNOX	**VICE PRESIDENT**
KATHARINE ALBRIGHT	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
ROBERT HAALAND	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER – TEL: 415.493.5751 – FAX: 415.493.5042 – EMAIL: cwreporting@comcast.net. THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

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For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

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TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, OCTOBER 11, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Randall Knox, Commissioner Katharine Albright, Commissioner Michael Garcia, and Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Tina Tam, Senior Planner, Planning Department (PD); Ron Tom, Chief Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

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(3) ADDENDUM ITEMS:

(3a) REHEARING REQUEST:

Subject property at 1590 Bryant Street. Letter from Mary Murphy, attorney for Sports Basement, appellant, requesting rehearing of Appeal No. 06-110, Sports Basement vs. ZA, decided September 13, 2006. At that time, upon motion by Commissioner Haaland, the Board voted 5-0 to uphold the determination (concerning a proposal at the subject property for a 54,000 gross square foot Sports Basement store (retail sales and services facility)).

ACTION: Upon motion by Commissioner Haaland, the Board voted 5-0 to grant the rehearing request, and to set the rehearing for November 8, 2006.

SPEAKERS: Mary Murphy, attorney for appellant; Tina Tam, PD.

(3b) **REHEARING REQUEST:**

Subject property at 1399 – 43rd Avenue. Letter from Erica Zweig, appellant, requesting rehearing of Appeal No. 06-113, Zweig vs. DBI, PDA, decided September 20, 2006. At that time, upon motion by Commissioner Garcia, the Board voted 4-1 (Commissioner Haaland dissented) to uphold the subject permit. Permit Holder: Omnipoint – T-Mobile. Project: on a church, installation of micro-cellular antennae on south side, top of chimney, which will be concealed by an RF transparent box; repaint entire chimney and screening box to match main building; installation of micro-cell equipment cabinets on north facing wall behind chimney; power PPC cabinet and TELCO cabinet on south facing wall adjacent to micro-cell cabinets; construct wood enclosure to secure and conceal cabinets; install wiring and cable tray, painted to match, from equipment cabinets to antennae; BPA No. 2005/09/30/4424.

ACTION: Upon motion by Commissioner Albright, the Board voted 5-0 to deny the rehearing request.

SPEAKERS: Douglas Jacuzzi, agent for appellant; Paul Albritton, attorney for permit holder.

PUBLIC COMMENT: None.

(3c) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 4120 – 23rd Street. Permit issued on September 23, 2005. Last day to appeal was October 11, 2005. Jurisdiction request received on September 29, 2006. Letter from Robert Call, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2002/02/25/9972. Project: horizontal addition to rear of building; construct a new garage at street level. Permit Holder: Darryl Leung.

ACTION: Upon motion by President Fung, the Board voted 5-0 to reschedule the matter to November 15, 2006 at the written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 06-127**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREE-USE & MAPPING, Respondent	101 Junipero Serra Blvd. Appealing the denial on August 4, 2006, of Surface Mounted Facility Permit. HEARING TODAY.

ACTION: Upon motion by Commissioner Albright, the Board voted 5-0 to reschedule the matter to November 15, 2006 at the written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 06-128**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREE-USE & MAPPING, Respondent	1997 Buchanan Street. Appealing the denial on August 4, 2006, of Surface Mounted Facility Permit. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Albright, the Board voted 5-0 to reschedule the matter to November 15, 2006 at the written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 06-115**

MAYA HOVEY, JOSE & JULIA DOMINGUEZ, MARTA DOMINGUEZ, MELESIO & MARIA SANTIAGO, MILTON & MARINA GIRON, FLORENZIO & CELIA CARREON, SALVADOR & GUILLERMINA RODRIGUEZ, JOSE ESTRADA, ISABEL MACALL, CARLOS PAZ, TOMASA PAZ, ERNESTO & MARICELLA ACEVES, and BENJAMIN & ELIZABETH HENRIQUEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1468 Folsom Street. Protesting the issuance on July 24, 2006, to Hanford Freund & Co., Permit to Alter a Building (on multi-unit apt. building: selective demolition in units 3, 6, 7, and 12 to perform mold abatement; install new sheet rock (replacement in kind) as required). APPLICATION NO. 2006/07/24/7385. FOR HEARING TODAY.

ACTION: Withdrawn by Appellants.

SPEAKERS: None.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 06-119**

CATHERINE WATT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1520 Monterey Blvd. Protesting the issuance on August 1, 2006, to Thomas & Audry Yi, Site Permit to Alter a Building (enlarge garage to 460sf). APPLICATION NO. 2005/10/05/4878S. FOR HEARING TODAY.

ACTION: Upon motion by President. Fung, the Board voted 5-0 to uphold the permit.

SPEAKERS: James Watt, husband of appellant; Shannon Devine, agent for permit holder; Ron Tom, DBI; Thomas Yi, permit holder.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 06-123**

MATTHEW SUM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1767 – 34th Avenue. Protesting the issuance on August 2, 2006, to Miguel Puente, Permit to Alter a Building (on single-family house: install rear deck at 36" above grade; abate NOV No. 200669303). APPLICATION NO. 2006/08/02/8388. FOR HEARING TODAY.

ACTION: Upon motion by Vice-President Knox, the Board voted 5-0 to continue the matter to November 15, 2006, with the public hearing closed, and for DBI to retrieve the approved plans from microfilm.

SPEAKERS: Matthew Sum, appellant; Mary Puente, agent for permit holder; Tina Tam, PD; Ron Tom, DBI.

PUBLIC COMMENT: Enessa Rezig said owners could have let them know about project because there may be a privacy issue. She is concerned about the owner meeting the conditions of approval. The deck is wonderful but she wants it to meet the Code.

(9) **APPEAL NO. 06-124**

KHALED DAJANI, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1302-1306 Fulton Street. Appealing a determination dated August 1, 2006, addressed to Brett Gladstone, regarding the reinstatement of an inactive/dormant Alcohol Beverage Control (ABC) License Type 20 (Off-Sale Beer & Wine) in the Divisadero Street Alcohol Restricted Use District. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Haaland, the Board voted 5-0 to overrule the ZA determination with findings and conditions to be adopted on October 25, 2006.

SPEAKERS: Tina Tam, PD; Khaled Dajani, appellant; Brett Gladstone, attorney for appellant.

PUBLIC COMMENT: Michaela Griner, an employee of the appellant said that he is a good employer and that the request will improve a business that is a benefit to the neighborhood.

Rita Kuettel, a customer said she supports Khaled and Mesa, and she would like them to also open a coffee shop, which would be another benefit to the neighborhood.

(10) **APPEAL NO. 06-125**

JEREMY PAUL, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Determination Holder(s): DAVID PETERSON	600 Fillmore Street. Appealing a determination dated August 2, 2006, addressed to David Peterson, regarding a proposed Laundromat as a Limited Commercial Use on the ground floor of the subject property. FOR HEARING TODAY.

ACTION: Withdrawn by appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

(11) **APPEAL NO. 06-126**

BETH BRILL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3536 Sacramento Street. Protesting the issuance on August 8, 2006, to Don Shinazy~~ent~~, Permit to Alter a Building (installation of automotive spray paint booth with heated air make-up system). APPLICATION NO. 2006/04/20/9455. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Albright, the Board voted 5-0 to uphold the permit.

SPEAKERS: Eric Brill, agent/husband for appellant; Beth Brill, appellant; Don Shinazy, permit holder; Bob Prior, agent for permit holder; Ron Tom, DBI.

PUBLIC COMMENT: None.

There being no further business, President Fung adjourned the meeting at 8:15 p.m.

Robert H. Feld

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 415-506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, OCTOBER 18, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

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(2) COMMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS:

(3a) REHEARING REQUEST:

Subject property at 1270-1272 – 47th Avenue. Appeal No. 06-109, Smirnova vs. DBI, decided September 13, 2006. At that time, upon motion by President Fung, the Board voted 5-0 to revoke the subject permit. Permit Holder: Wallace Szmokaluk. Project on 2-unit building, remove sheet rock; sand and refinish floors; repair bathroom tile; paint walls; replace dishwasher; comply with NOV No. 200670570; all work in Unit 1272; BPA No. 2006/07/11/6185.

(4) APPEAL NO. 06-077

TOHA QUAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2395 – 12th Avenue. Appealing a Notice of Violation dated May 1, 2006, addressed to Toha Quan and Anna Wong, that a manufacturing and processing operation has been established at the subject property, in violation of Planning Code §§ 151, 204.1, 226, and 711.38. PUBLIC HEARING HELD & CLOSED ON SEPTEMBER 20, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued so that appellant can demonstrate abatement of NOV issues to Planning staff.**

(5) **APPEAL NO. 06-129**

JOSEPH ELSINEITTI dba “19th AVENUE 76 NO. 2, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1400 – 19th Avenue. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on August 10, 2006. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR’S CASE NO. FD-06-213. FOR HEARING TODAY.

(6) **APPEAL NO. 06-130**

HAROLD DARLING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent § 13 Party: SAN FRANCISCO TENANTS UNION	734 Bush Street # 54, 56 & 57. Protesting the issuance on August 11, 2006, to 500-734 OLDE LLC, Permit to Alter a Building (on 47-unit apartment building: remodel kitchen and bath; new countertop and cabinets). APPLICATION NO. 2006/08/11/9243. FOR HEARING TODAY.

(7) **APPEAL NO. 06-131**

MARIA GARCIA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2695 – 47th Avenue. Protesting the issuance on August 8, 2006, to Nennette Dignadice, Permit to Alter a Building (on single-family house: new deck, 7’6” X 12’4” and 8’10” in height, with a 1 hour fire wall at 7’ in height. APPLICATION NO. 2006/08/08/8907. FOR HEARING TODAY.

(8) **APPEAL NO. 06-135**

ALEX LANTSBERG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1000 Evans Avenue. Protesting the issuance on August 10, 2006, to Pacific Gas & Electric, Permit to Demolish a Building (demolish a power plant). APPLICATION NO. 2005/12/15/0454. FOR HEARING TODAY.

ITEMS (9A), (9B) (9C), (9D), (9E), (9F), (9G) & (9H) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 06-136**

HAROLD DARLING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent § 13 Party: SAN FRANCISCO TENANTS UNION	625 Taylor Street #103. Protesting the issuance on August 23, 2006, to Trophy Properties VII LLC, Permit to Alter a Building (on multi-unit apartment building: kitchen and bath remodel in kind; cabinets, countertop, shower enclosure, sink, faucet, and shower valve). APPLICATION NO. 2006/08/23/0239. FOR HEARING TODAY.

(9B) **APPEAL NO. 06-137**

HAROLD DARLING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent § 13 Party: SAN FRANCISCO TENANTS UNION	625 Taylor Street #201. Protesting the issuance on August 22, 2006, to Trophy Properties VII LLC, Permit to Alter a Building (on multi-unit apartment building: kitchen and bath remodel in kind; cabinets, countertop, shower enclosure, sink, faucet, and shower valve). APPLICATION NO. 2006/08/22/0221. FOR HEARING TODAY.

(9C) **APPEAL NO. 06-138**

HAROLD DARLING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent § 13 Party: SAN FRANCISCO TENANTS UNION	625 Taylor Street #203. Protesting the issuance on August 22, 2006, to Trophy Properties VII LLC, Permit to Alter a Building (on multi-unit apartment building: kitchen and bath remodel in kind; cabinets, countertop, shower enclosure, sink, faucet, and shower valve). APPLICATION NO. 2006/08/22/0231. FOR HEARING TODAY.

(9D) **APPEAL NO. 06-139**

HAROLD DARLING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent § 13 Party: SAN FRANCISCO TENANTS UNION	625 Taylor Street #303. Protesting the issuance on August 22, 2006, to Trophy Properties VII LLC, Permit to Alter a Building (on multi-unit apartment building: kitchen and bath remodel in kind; cabinets, countertop, shower enclosure, sink, faucet, and shower valve). APPLICATION NO. 2006/08/22/0157. FOR HEARING TODAY.

(9E) **APPEAL NO. 06-140**

HAROLD DARLING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent § 13 Party: SAN FRANCISCO TENANTS UNION	625 Taylor Street #400. Protesting the issuance on August 22, 2006, to Trophy Properties VII LLC, Permit to Alter a Building (on multi-unit apartment building: kitchen and bath remodel in kind; cabinets, countertop, shower enclosure, sink, faucet, and shower valve). APPLICATION NO. 2006/08/22/0208. FOR HEARING TODAY.

(9F) **APPEAL NO. 06-141**

HAROLD DARLING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent § 13 Party: SAN FRANCISCO TENANTS UNION	625 Taylor Street #402. Protesting the issuance on August 18, 2006, to Trophy Properties VII LLC, Permit to Alter a Building (on multi-unit apartment building: kitchen and bath remodel in kind; cabinets, countertop, shower enclosure, sink, faucet, and shower valve). APPLICATION NO. 2006/08/18/9835. FOR HEARING TODAY.

(9G) **APPEAL NO. 06-142**

HAROLD DARLING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent § 13 Party: SAN FRANCISCO TENANTS UNION	625 Taylor Street #403. Protesting the issuance on August 18, 2006, to Trophy Properties VII LLC, Permit to Alter a Building (on multi-unit apartment building: kitchen and bath remodel in kind; cabinets, countertop, shower enclosure, sink, faucet, and shower valve). APPLICATION NO. 2006/08/18/9836. FOR HEARING TODAY.

(9H) **APPEAL NO. 06-143**

HAROLD DARLING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent § 13 Party: SAN FRANCISCO TENANTS UNION	625 Taylor Street #503. Protesting the issuance on August 18, 2006, to Trophy Properties VII LLC, Permit to Alter a Building (on multi-unit apartment building: kitchen and bath remodel in kind; cabinets, countertop, shower enclosure, sink, faucet, and shower valve). APPLICATION NO. 2006/08/18/9837. FOR HEARING TODAY.

ADJOURNMENT.

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Date posted: **October 12, 2006**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	**PRESIDENT**
RANDALL KNOX	**VICE PRESIDENT**
KATHARINE ALBRIGHT	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
ROBERT HAALAND	**COMMISSIONER**

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber.
TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, OCTOBER 18, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Randall Knox, Commissioner Katharine Albright, and Commissioner Michael Garcia.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Tina Tam, Senior Planner, Planning Department (PD); Johnson Ojo, Principal Inspector, Dept. of Public Health (DPH); Laurence Kornfiled, Chief Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Dana DiBasilio Tognini, Official Court Reporter.

ABSENT: Commissioner Robert Haaland

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

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(3) ADDENDUM ITEMS:

(3a) REHEARING REQUEST:

Subject property at 1270-1272 – 47th Avenue. Appeal No. 06-109, Smirnova vs. DBI, decided September 13, 2006. At that time, upon motion by President Fung, the Board voted 5-0 to revoke the subject permit. Permit Holder: Wallace Szmokaluk. Project on 2-unit building, remove sheet rock; sand and refinish floors; repair bathroom tile; paint walls; replace dishwasher; comply with NOV No. 200670570; all work in Unit 1272; BPA No. 2006/07/11/6185.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Commissioner Haaland absent) to grant the rehearing request, and to schedule the rehearing to "Call of the Chair" (indefinite agenda) pending resolution of probate proceedings.

SPEAKERS: Wallace Szmokaluk, permit holder; Laurence Kornfield, DBI; Galina Smirnova, appellant.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 06-077**

TOHA QUAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2395 – 12th Avenue. Appealing a Notice of Violation dated May 1, 2006, addressed to Toha Quan and Anna Wong, that a manufacturing and processing operation has been established at the subject property, in violation of Planning Code §§ 151, 204.1, 226, and 711.38. PUBLIC HEARING HELD & CLOSED ON SEPTEMBER 20, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued so that appellant can demonstrate abatement of NOV issues to Planning staff.**

ACTION: Upon motion by President Fung, the Board voted 4-0-1(Commissioner Haaland absent) to uphold the ZA notice of violation.

SPEAKER: Tina Tam, PD; appellant did not appear.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 06-129**

JOSEPH ELSINEITTI dba "19th AVENUE 76 NO. 2, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1400 – 19th Avenue. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on August 10, 2006. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-06-213. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Commissioner Haaland absent) to uphold the 45-day suspension.

SPEAKERS: Johnson Ojo, DPH; Joseph Elsineitti, agent for appellant.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 06-130**

HAROLD DARLING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent § 13 Party: SAN FRANCISCO TENANTS UNION	734 Bush Street # 54, 56 & 57. Protesting the issuance on August 11, 2006, to 500-734 OLDE LLC, Permit to Alter a Building (on 47-unit apartment building: remodel kitchen and bath; new countertop and cabinets). APPLICATION NO. 2006/08/11/9243. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 4-0-1 (Commissioner Haaland absent) to continue the matter to October 25, 2006, with the public hearing closed.

SPEAKERS: Harold Darling, appellant; Jared Eigerman, attorney for permit holder; Kelly Baker, agent for permit holder; Taylor Lembi, agent for permit holder; Laurence Kornfield, DBI.

PUBLIC COMMENT: Greg Shaw for the Harvey Milk Democratic Club urged the Board to grant the appeal based on the Appellant's arguments. Ana Maria Ramirez said the permit holder took her small apartment, removed a wall and created a large apartment.

(7) **APPEAL NO. 06-131**

MARIA GARCIA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2695 – 47th Avenue. Protesting the issuance on August 8, 2006, to Nennette Dignadice, Permit to Alter a Building (on single-family house: new deck, 7'6" X 12'4" and 8'10" in height, with a 1 hour fire wall at 7' in height. APPLICATION NO. 2006/08/08/8907. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Commissioner Haaland absent) to continue the matter to November 8, 2006, with the public hearing closed, and for DBI to conduct a site visit.

SPEAKERS: Maria Garcia, appellant; Nenette Dignadice, permit holder; Laurence Kornfield, DBI; Peter Dignadice, son of permit holder; Tina Tam, PD.

(8) **APPEAL NO. 06-135**

ALEX LANTSBERG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1000 Evans Avenue. Protesting the issuance on August 10, 2006, to Pacific Gas & Electric, Permit to Demolish a Building (demolish a power plant). APPLICATION NO. 2005/12/15/0454. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 4-0-1 (Commissioner Haaland absent) to reschedule the matter to November 15, 2006.

SPEAKERS: Alex Lantsberg, appellant; Tina Tam, PD; Brian Haughton, attorney for permit holder.

PUBLIC COMMENT: James Bryant of the A. Phillip Randolph Institute spoke on behalf of the fifty or sixty people in the audience who support the demolition of the power plant and strongly oppose the appellant.

ITEMS (9A), (9B) (9C), (9D), (9E), (9F), (9G) & (9H) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 06-136**

HAROLD DARLING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent § 13 Party: SAN FRANCISCO TENANTS UNION	625 Taylor Street #103. Protesting the issuance on August 23, 2006, to Trophy Properties VII LLC, Permit to Alter a Building (on multi-unit apartment building: kitchen and bath remodel in kind; cabinets, countertop, shower enclosure, sink, faucet, and shower valve). APPLICATION NO. 2006/08/23/0239. FOR HEARING TODAY.

(9B) **APPEAL NO. 06-137**

HAROLD DARLING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent § 13 Party: SAN FRANCISCO TENANTS UNION	625 Taylor Street #201. Protesting the issuance on August 22, 2006, to Trophy Properties VII LLC, Permit to Alter a Building (on multi-unit apartment building: kitchen and bath remodel in kind; cabinets, countertop, shower enclosure, sink, faucet, and shower valve). APPLICATION NO. 2006/08/22/0221. FOR HEARING TODAY.

(9C) **APPEAL NO. 06-138**

HAROLD DARLING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent § 13 Party: SAN FRANCISCO TENANTS UNION	625 Taylor Street #203. Protesting the issuance on August 22, 2006, to Trophy Properties VII LLC, Permit to Alter a Building (on multi-unit apartment building: kitchen and bath remodel in kind; cabinets, countertop, shower enclosure, sink, faucet, and shower valve). APPLICATION NO. 2006/08/22/0231. FOR HEARING TODAY.

(9D) **APPEAL NO. 06-139**

HAROLD DARLING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent § 13 Party: SAN FRANCISCO TENANTS UNION	625 Taylor Street #303. Protesting the issuance on August 22, 2006, to Trophy Properties VII LLC, Permit to Alter a Building (on multi-unit apartment building: kitchen and bath remodel in kind; cabinets, countertop, shower enclosure, sink, faucet, and shower valve). APPLICATION NO. 2006/08/22/0157. FOR HEARING TODAY.

(9E) **APPEAL NO. 06-140**

HAROLD DARLING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent § 13 Party: SAN FRANCISCO TENANTS UNION	625 Taylor Street #400. Protesting the issuance on August 22, 2006, to Trophy Properties VII LLC, Permit to Alter a Building (on multi-unit apartment building: kitchen and bath remodel in kind; cabinets, countertop, shower enclosure, sink, faucet, and shower valve). APPLICATION NO. 2006/08/22/0208. FOR HEARING TODAY.

(9F) **APPEAL NO. 06-141**

HAROLD DARLING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent § 13 Party: SAN FRANCISCO TENANTS UNION	625 Taylor Street #402. Protesting the issuance on August 18, 2006, to Trophy Properties VII LLC, Permit to Alter a Building (on multi-unit apartment building: kitchen and bath remodel in kind; cabinets, countertop, shower enclosure, sink, faucet, and shower valve). APPLICATION NO. 2006/08/18/9835. FOR HEARING TODAY.

(9G) **APPEAL NO. 06-142**

HAROLD DARLING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent § 13 Party: SAN FRANCISCO TENANTS UNION	625 Taylor Street #403. Protesting the issuance on August 18, 2006, to Trophy Properties VII LLC, Permit to Alter a Building (on multi-unit apartment building: kitchen and bath remodel in kind; cabinets, countertop, shower enclosure, sink, faucet, and shower valve). APPLICATION NO. 2006/08/18/9836. FOR HEARING TODAY.

(9H) **APPEAL NO. 06-143**

HAROLD DARLING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent § 13 Party: SAN FRANCISCO TENANTS UNION	625 Taylor Street #503. Protesting the issuance on August 18, 2006, to Trophy Properties VII LLC, Permit to Alter a Building (on multi-unit apartment building: kitchen and bath remodel in kind; cabinets, countertop, shower enclosure, sink, faucet, and shower valve). APPLICATION NO. 2006/08/18/9837. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 4-0-1 (Commissioner Haaland absent) to continue all eight cases to October 25, 2006 with the public hearings closed.

SPEAKERS: Harold Darling, appellant; Jared Eigerman, attorney for permit holder; Kelly Baker, agent for permit holder; Taylor Lembi, agent for permit holder; Laurence Kornfield, DBI.

PUBLIC COMMENT: Greg Shaw for the Harvey Milk Democratic Club urged the Board to grant the appeal based on the appellant's arguments.

Ana Maria Ramirez said the Permit Holder took her small apartment, removed a wall and created a large apartment.

There being no further business, President Fung adjourned the meeting at 8:30 p.m.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Dana DiBasilio-Tognini, the Official Court Reporter, 415-506-0430

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, OCTOBER 25, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMMISSIONERS COMMENTS & QUESTIONS:

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(3) ADDENDUM ITEMS:

(3a) REHEARING REQUEST:

Subject property at 1284 Mission Street. Letter from Geoffrey Rotwein, attorney for Arthur Lee dba "Lee's Oriental Massage", appellant, requesting rehearing of Appeal No. 06-103, Lee's Oriental Massage vs. DPH, decided September 20, 2006. At that time, upon motion by Commissioner Albright, the Board voted 4-0-1 (Vice President Knox recused) to uphold the revocation of the subject permit (Massage Establishment Permit).

10-20-06A11:00 RCVD

(3b) ADOPTION OF FINDINGS:

Subject property at 615 – 38th Avenue. Appeal No. V06-106, Woo vs. ZA, decided September 6, 2006. At that time, upon motion by Vice President Knox, the Board voted 5-0 to overrule the denial, and grant the variance with findings to be adopted at a later date. Project: Rear Yard Variance (construct a horizontal addition and egress stairs at the 2nd story level, that will extend into the required rear yard of an existing 3-story, single-family dwelling); variance case no. 2006.0153V.

(3c) ADOPTION OF FINDINGS:

Subject property at 504 – 6th Street. Appeal No. 06-039, Hicks vs. DBI, PDD, decided August 16, 2006 at a rehearing. At that time, upon motion by Commissioner Garcia, the Board voted 5-0 to overrule the denial, and grant the permit, with findings to be adopted at a later date. Project: construction of sign (ground, non-electric, single-faced, 14' X 48', with 672sf of total surface area), BPA No. 2005/10/11/5200.

(3d) ADOPTION OF FINDINGS:

Subject property at 1302-1306 Fulton Street. Appeal No. 06-124, Dajani vs. ZA, decided October 11, 2006. At that time, upon motion by Commissioner Haaland, the Board voted 5-0 to overrule the ZA's determination (regarding the reinstatement of an inactive/dormant Alcohol Beverage Control (ABC) License Type 20 (Off-Sale Beer & Wine) in the Divisadero Street Alcohol Restricted Use District), with findings and conditions to be adopted on October 25, 2006.

(3e) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 226A Oneida Avenue. Permit issued on May 5, 2006. Last day to appeal was May 22, 2006. Jurisdiction request received on October 12, 2006. Letter from Preet Bains, requestor, asking that the Board take jurisdiction over BPA No. 2000/03/30/5829. Permit Holder: Hungsland Property. Project: erect a two-story single-family house.

(4) APPEAL NO. 06-130

HAROLD DARLING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent § 13 Party: SAN FRANCISCO TENANTS UNION	734 Bush Street # 54, 56 & 57. Protesting the issuance on August 11, 2006, to 500-734 OLDE LLC, Permit to Alter a Building (on 47-unit apartment building: remodel kitchen and bath; new countertop and cabinets). APPLICATION NO. 2006/08/11/9243. PUBLIC HEARING HELD & CLOSED ON OCTOBER 18, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued for final vote, and adoption of conditions and findings.**

ITEMS (5A), (5B) (5C), (5D), (5E), (5F), (5G) & (5H) SHALL BE HEARD TOGETHER:

(5A) APPEAL NO. 06-136

HAROLD DARLING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent § 13 Party: SAN FRANCISCO TENANTS UNION	625 Taylor Street #103. Protesting the issuance on August 23, 2006, to Trophy Properties VII LLC, Permit to Alter a Building (on multi-unit apartment building: kitchen and bath remodel in kind; cabinets, countertop, shower enclosure, sink, faucet, and shower valve). APPLICATION NO. 2006/08/23/0239. PUBLIC HEARING HELD & CLOSED ON OCTOBER 18, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued for final vote, and adoption of conditions and findings.**

(5B) **APPEAL NO. 06-137**

HAROLD DARLING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent § 13 Party: SAN FRANCISCO TENANTS UNION	625 Taylor Street #201. Protesting the issuance on August 22, 2006, to Trophy Properties VII LLC, Permit to Alter a Building (on multi-unit apartment building: kitchen and bath remodel in kind; cabinets, countertop, shower enclosure, sink, faucet, and shower valve). APPLICATION NO. 2006/08/22/0221. PUBLIC HEARING HELD & CLOSED ON OCTOBER 18, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued for final vote, and adoption of conditions and findings.**

(5C) **APPEAL NO. 06-138**

HAROLD DARLING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent § 13 Party: SAN FRANCISCO TENANTS UNION	625 Taylor Street #203. Protesting the issuance on August 22, 2006, to Trophy Properties VII LLC, Permit to Alter a Building (on multi-unit apartment building: kitchen and bath remodel in kind; cabinets, countertop, shower enclosure, sink, faucet, and shower valve). APPLICATION NO. 2006/08/22/0231. PUBLIC HEARING HELD & CLOSED ON OCTOBER 18, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued for final vote, and adoption of conditions and findings.**

(5D) **APPEAL NO. 06-139**

HAROLD DARLING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent § 13 Party: SAN FRANCISCO TENANTS UNION	625 Taylor Street #303. Protesting the issuance on August 22, 2006, to Trophy Properties VII LLC, Permit to Alter a Building (on multi-unit apartment building: kitchen and bath remodel in kind; cabinets, countertop, shower enclosure, sink, faucet, and shower valve). APPLICATION NO. 2006/08/22/0157. PUBLIC HEARING HELD & CLOSED ON OCTOBER 18, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued for final vote, and adoption of conditions and findings.**

(5E) **APPEAL NO. 06-140**

HAROLD DARLING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent § 13 Party: SAN FRANCISCO TENANTS UNION	625 Taylor Street #400. Protesting the issuance on August 22, 2006, to Trophy Properties VII LLC, Permit to Alter a Building (on multi-unit apartment building: kitchen and bath remodel in kind; cabinets, countertop, shower enclosure, sink, faucet, and shower valve). APPLICATION NO. 2006/08/22/0208. PUBLIC HEARING HELD & CLOSED ON OCTOBER 18, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued for final vote, and adoption of conditions and findings.**

(5F) **APPEAL NO. 06-141**

HAROLD DARLING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent § 13 Party: SAN FRANCISCO TENANTS UNION	625 Taylor Street #402. Protesting the issuance on August 18, 2006, to Trophy Properties VII LLC, Permit to Alter a Building (on multi-unit apartment building: kitchen and bath remodel in kind; cabinets, countertop, shower enclosure, sink, faucet, and shower valve). APPLICATION NO. 2006/08/18/9835. PUBLIC HEARING HELD & CLOSED ON OCTOBER 18, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued for final vote, and adoption of conditions and findings.**

(5G) **APPEAL NO. 06-142**

HAROLD DARLING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent § 13 Party: SAN FRANCISCO TENANTS UNION	625 Taylor Street #403. Protesting the issuance on August 18, 2006, to Trophy Properties VII LLC, Permit to Alter a Building (on multi-unit apartment building: kitchen and bath remodel in kind; cabinets, countertop, shower enclosure, sink, faucet, and shower valve). APPLICATION NO. 2006/08/18/9836. PUBLIC HEARING HELD & CLOSED ON OCTOBER 18, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued for final vote, and adoption of conditions and findings.**

(5H) **APPEAL NO. 06-143**

HAROLD DARLING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent § 13 Party: SAN FRANCISCO TENANTS UNION	625 Taylor Street #503. Protesting the issuance on August 18, 2006, to Trophy Properties VII LLC, Permit to Alter a Building (on multi-unit apartment building: kitchen and bath remodel in kind; cabinets, countertop, shower enclosure, sink, faucet, and shower valve). APPLICATION NO. 2006/08/18/9837. PUBLIC HEARING HELD & CLOSED ON OCTOBER 18, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued for final vote, and adoption of conditions and findings.**

(6) **APPEAL NO. 06-144**

ELAINE GINSBURG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	361 Elsie Street. Protesting the issuance on August 21, 2006, to Jenny Mendez, Permit to Alter a Building (on two-unit building: provide shoring for work under Building Permit Application No. 2003/08/08/1581; no other work). APPLICATION NO. 2005/04/29/1214. FOR HEARING TODAY.

(7) **APPEAL NO. 06-145**

KEVIN REED dba "GREEN CROSS", Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	2701 Leavenworth Street. Appealing the denial on August 16, 2006, of Permit to Alter a Building (on two-unit building: change in use from restaurant to medical cannabis dispensary at ground floor). APPLICATION NO. 2006/03/29/7757. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **October 19, 2006**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	**PRESIDENT**
RANDALL KNOX	**VICE PRESIDENT**
KATHARINE ALBRIGHT	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
ROBERT HAALAND	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER – TEL: 415.493.5751 – FAX: 415.493.5042 – EMAIL: cwreporting@comcast.net. THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

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TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

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TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, OCTOBER 25, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Randall Knox, Commissioner Katharine Albright, and Commissioner Michael Garcia, and Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Larry Badiner, Zoning Administrator, Planning Department (ZA); Spencer Gosh, Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Dana DiBasilio Tognini, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

DOCUMENTS DEPT.

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(3) ADDENDUM ITEMS:

(3a) REHEARING REQUEST:

Subject property at 1284 Mission Street. Letter from Geoffrey Rotwein, attorney for Arthur Lee dba "Lee's Oriental Massage", appellant, requesting rehearing of Appeal No. 06-103, Lee's Oriental Massage vs. DPH, decided September 20, 2006. At that time, upon motion by Commissioner Albright, the Board voted 4-0-1 (Vice President Knox recused) to uphold the revocation of the subject permit (Massage Establishment Permit).

ACTION: Upon motion by President Fung, the Board voted 4-0-1 (Commissioner Haaland absent) to reschedule the matter to November 8, 2006 at the written request of the appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

(3b) **ADOPTION OF FINDINGS:**

Subject property at 615 – 38th Avenue. Appeal No. V06-106, Woo vs. ZA, decided September 6, 2006. At that time, upon motion by Vice President Knox, the Board voted 5-0 to overrule the denial, and grant the variance with findings to be adopted at a later date. Project: Rear Yard Variance (construct a horizontal addition and egress stairs at the 2nd story level, that will extend into the required rear yard of an existing 3-story, single-family dwelling); variance case no. 2006.0153V.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Commissioner Haaland absent) to adopt the findings (no changes).

SPEAKERS: None.

PUBLIC COMMENT: None.

(3c) **ADOPTION OF FINDINGS:**

Subject property at 504 – 6th Street. Appeal No. 06-039, Hicks vs. DBI, PDD, decided August 16, 2006 at a rehearing. At that time, upon motion by Commissioner Garcia, the Board voted 5-0 to overrule the denial, and grant the permit, with findings to be adopted at a later date. Project: construction of sign (ground, non-electric, single-faced, 14' X 48', with 672sf of total surface area), BPA No. 2005/10/11/5200.

ACTION: Upon motion by Commissioner Haaland, the Board voted 3-2 (President Fung & Commissioner Garcia dissented) to continue the matter to December 6, 2006.

SPEAKERS: Larry Badiner, ZA; Alice Barkley, attorney for appellant; Jared Eigerman, attorney for Clear Channel.

PUBLIC COMMENT: None.

(3d) **ADOPTION OF FINDINGS:**

Subject property at 1302-1306 Fulton Street. Appeal No. 06-124, Dajani vs. ZA, decided October 11, 2006. At that time, upon motion by Commissioner Haaland, the Board voted 5-0 to overrule the ZA's determination (regarding the reinstatement of an inactive/dormant Alcohol Beverage Control (ABC) License Type 20 (Off-Sale Beer & Wine) in the Divisadero Street Alcohol Restricted Use District), with findings and conditions to be adopted on October 25, 2006.

ACTION: Upon motion by Vice-President Knox, the Board voted 5-0 to adopt the findings as amended (line struck in #3).

SPEAKERS: Brett Gladstone, attorney for appellant; Khaled Dajani, appellant.

(3e) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 226A Oneida Avenue. Permit issued on May 5, 2006. Last day to appeal was May 22, 2006. Jurisdiction request received on October 12, 2006. Letter from Preet Bains, requestor, asking that the Board take jurisdiction over BPA No. 2000/03/30/5829. Permit holder: Hungsland Property. Project: erect a two-story single-family house.

ACTION: Upon motion by Commissioner Albright, the Board voted 5-0 to deny the jurisdiction request.

SPEAKERS: Preet Bains, requestor; Joel Yodowitz, attorney for permit holder; Larry Badiner, ZA.

PUBLIC COMMENT: None.

(4) APPEAL NO. 06-130

HAROLD DARLING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent § 13 Party: SAN FRANCISCO TENANTS UNION	734 Bush Street # 54, 56 & 57. Protesting the issuance on August 11, 2006, to 500-734 OLDE LLC, Permit to Alter a Building (on 47-unit apartment building: remodel kitchen and bath; new countertop and cabinets). APPLICATION NO. 2006/08/11/9243. PUBLIC HEARING HELD & CLOSED ON OCTOBER 18, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued for final vote, and adoption of conditions and findings.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to uphold the permit and adopt the finding as amended (changes to findings #2, 3, & 4).

SPEAKERS: Harold Darling, appellant; Jared Eigerman, attorney for permit holder.

PUBLIC COMMENT: Anna Maria Ramirez described the harassment she has suffered and the poor condition of the building she is in.

ITEMS (5A), (5B) (5C), (5D), (5E), (5F), (5G) & (5H) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 06-136**

HAROLD DARLING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent § 13 Party: SAN FRANCISCO TENANTS UNION	625 Taylor Street #103. Protesting the issuance on August 23, 2006, to Trophy Properties VII LLC, Permit to Alter a Building (on multi-unit apartment building: kitchen and bath remodel in kind; cabinets, countertop, shower enclosure, sink, faucet, and shower valve). APPLICATION NO. 2006/08/23/0239. PUBLIC HEARING HELD & CLOSED ON OCTOBER 18, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued for final vote, and adoption of conditions and findings.**

(5B) **APPEAL NO. 06-137**

HAROLD DARLING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent § 13 Party: SAN FRANCISCO TENANTS UNION	625 Taylor Street #201. Protesting the issuance on August 22, 2006, to Trophy Properties VII LLC, Permit to Alter a Building (on multi-unit apartment building: kitchen and bath remodel in kind; cabinets, countertop, shower enclosure, sink, faucet, and shower valve). APPLICATION NO. 2006/08/22/0221. PUBLIC HEARING HELD & CLOSED ON OCTOBER 18, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued for final vote, and adoption of conditions and findings.**

(5C) **APPEAL NO. 06-138**

HAROLD DARLING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent § 13 Party: SAN FRANCISCO TENANTS UNION	625 Taylor Street #203. Protesting the issuance on August 22, 2006, to Trophy Properties VII LLC, Permit to Alter a Building (on multi-unit apartment building: kitchen and bath remodel in kind; cabinets, countertop, shower enclosure, sink, faucet, and shower valve). APPLICATION NO. 2006/08/22/0231. PUBLIC HEARING HELD & CLOSED ON OCTOBER 18, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued for final vote, and adoption of conditions and findings.**

(5D) APPEAL NO. 06-139

HAROLD DARLING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent § 13 Party: SAN FRANCISCO TENANTS UNION	625 Taylor Street #303. Protesting the issuance on August 22, 2006, to Trophy Properties VII LLC, Permit to Alter a Building (on multi-unit apartment building: kitchen and bath remodel in kind; cabinets, countertop, shower enclosure, sink, faucet, and shower valve). APPLICATION NO. 2006/08/22/0157. PUBLIC HEARING HELD & CLOSED ON OCTOBER 18, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued for final vote, and adoption of conditions and findings.**

(5E) APPEAL NO. 06-140

HAROLD DARLING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent § 13 Party: SAN FRANCISCO TENANTS UNION	625 Taylor Street #400. Protesting the issuance on August 22, 2006, to Trophy Properties VII LLC, Permit to Alter a Building (on multi-unit apartment building: kitchen and bath remodel in kind; cabinets, countertop, shower enclosure, sink, faucet, and shower valve). APPLICATION NO. 2006/08/22/0208. PUBLIC HEARING HELD & CLOSED ON OCTOBER 18, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued for final vote, and adoption of conditions and findings.**

(5F) APPEAL NO. 06-141

HAROLD DARLING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent § 13 Party: SAN FRANCISCO TENANTS UNION	625 Taylor Street #402. Protesting the issuance on August 18, 2006, to Trophy Properties VII LLC, Permit to Alter a Building (on multi-unit apartment building: kitchen and bath remodel in kind; cabinets, countertop, shower enclosure, sink, faucet, and shower valve). APPLICATION NO. 2006/08/18/9835. PUBLIC HEARING HELD & CLOSED ON OCTOBER 18, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued for final vote, and adoption of conditions and findings.**

(5G) **APPEAL NO. 06-142**

HAROLD DARLING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent § 13 Party: SAN FRANCISCO TENANTS UNION	625 Taylor Street #403. Protesting the issuance on August 18, 2006, to Trophy Properties VII LLC, Permit to Alter a Building (on multi-unit apartment building: kitchen and bath remodel in kind; cabinets, countertop, shower enclosure, sink, faucet, and shower valve). APPLICATION NO. 2006/08/18/9836. PUBLIC HEARING HELD & CLOSED ON OCTOBER 18, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued for final vote, and adoption of conditions and findings.**

(5H) **APPEAL NO. 06-143**

HAROLD DARLING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent § 13 Party: SAN FRANCISCO TENANTS UNION	625 Taylor Street #503. Protesting the issuance on August 18, 2006, to Trophy Properties VII LLC, Permit to Alter a Building (on multi-unit apartment building: kitchen and bath remodel in kind; cabinets, countertop, shower enclosure, sink, faucet, and shower valve). APPLICATION NO. 2006/08/18/9837. PUBLIC HEARING HELD & CLOSED ON OCTOBER 18, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued for final vote, and adoption of conditions and findings.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to uphold all permits and adopt the findings as amended (changes to findings #2, 3, & 4).

SPEAKERS: Harold Darling, appellant; Jared Eigerman, attorney for permit holder.

PUBLIC COMMENT: Anna Maria Ramirez described the harassment she has suffered and the poor condition of the building she is in.

(6) **APPEAL NO. 06-144**

ELAINE GINSBURG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	361 Elsie Street. Protesting the issuance on August 21, 2006, to Jenny Mendez, Permit to Alter a Building (on two-unit building: provide shoring for work under Building Permit Application No. 2003/08/08/1581; no other work). APPLICATION NO. 2005/04/29/1214. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 3-2 (Commissioner Albright and Commissioner Haaland dissented) to uphold the permit.

SPEAKERS: Alan Mayer, attorney for appellant; Carl Chan, agent for permit holder; David Cincotta, attorney for permit holder; Rodrigo Santos, agent for permit holder; Jenny Mendez, permit holder; Spencer Gosh, DBI.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 06-145**

KEVIN REED dba "GREEN CROSS", Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	2701 Leavenworth Street. Appealing the denial on August 16, 2006, of Permit to Alter a Building (on two-unit building: change in use from restaurant to medical cannabis dispensary at ground floor). APPLICATION NO. 2006/03/29/7757. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, Board voted 2-2-1 (Vice-President Knox & Commissioner Haaland dissented and Pres. Fung absent) to uphold the denial. Four votes being required to overturn any departmental action, the denial of the subject permit was upheld.

SPEAKERS: Larry Badiner, ZA; Joe Elford, attorney for appellant;

The following people spoke in support of the appellant:

PUBLIC COMMENT: Starchild, Wayne Kiloh, Mike Aldrich, David Cohen, Michelle Aldrich, Jessy Custodio, John Caldera, Mia Ante, Denise Dorey, Bob Lange, Natalie Tran, Steven Rae, Rachel Sierra, Tariq Alazraie, Arcolina Panto, Anderson Davis, April Funcke, Jimmy James, Stephanie Tucker, Peter Kasenenko, Jason Menard, Shona Godrenaur, Roger Solomon, Ben Caldwell, Brian Denny, Leon Toppin, Ruben Hernandez, Michael Yamacone, Andrea Lindsay, Tate Swindell, Juan Cabezas, Sammy Hastings, Sarah Shrader, and Andrew Martinez-Perez.

The following people spoke in support of the Planning Commission.

Anna Shimko, Bill Rabin, Robert Helwick, Ryan Chamberlain, Trish Hynes, Sally Murrell, Dana Shibley, Connie Linehan, Susanne Shibley, Sam Khatib, Jeanne Yee, Tom Rubens, Debbie Gannon, John DeMeo, Suzanne MacDonald, Karin Rabin, Betty Foote, Judy Taylor, Michael Neril, John Taylor, Liberty Efird, Penelope Clark, Trudi Loscotoff, Orlando Antonini, Kevin Loscotoff, Rita Hernandez, Karen Bell, Christopher Martin, Tom Haward, Lynn Callivan, Steve Wiezbowski, Jan Misch, Lt. Robert Moser, Jeff Ravetto, Bill Chionsini, Jessica Hopkins, and Deborah Kartiganer.

There being no further business, President Fung adjourned the meeting at 10:03 p.m.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Dana DiBasilio Tognini, the Official Court Reporter, 415-506-0430

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, NOVEMBER 8, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS:

(3a) REHEARING REQUEST:

Subject property at 1284 Mission Street. Letter from Geoffrey Rotwein, attorney for Arthur Lee dba "Lee's Oriental Massage", appellant, requesting rehearing of Appeal No. 06-103, Lee's Oriental Massage vs. DPH, decided September 20, 2006. At that time, upon motion by Commissioner Albright, the Board voted 4-0-1 (Vice President Knox recused) to uphold the revocation of the subject permit (Massage Establishment Permit).

(4) APPEAL NO. 06-131

MARIA GARCIA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2695 – 47th Avenue. Protesting the issuance on August 8, 2006, to Nennette Dignadice, Permit to Alter a Building (on single-family house: new deck, 7'6" X 12'4" and 8'10" in height, with a 1 hour fire wall at 7' in height. APPLICATION NO. 2006/08/08/8907. PUBLIC HEARING HELD & CLOSED ON OCTOBER 18, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for DBI to conduct a site visit pursuant to the Board's comments.**

(5) **APPEAL NO. 06-151**

GORDON YEE & KORI INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	429-433 Haight Street. Appealing a Notice of Violation dated August 31, 2006, addressed to Gordon Yee & Kori Inc., regarding violations at the subject property of the Planning Commission's Dwelling Unit Merger Policy, and of Planning Code §§ 151, 790.108, 136(c)(30), 142, 134 (a)(1), & 135. FOR HEARING TODAY.

(6) **APPEAL NO. 06-116**

PATRICK BUSCOVICH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3527-3529 – 21st Street. Protesting the issuance on July 26, 2006, to Reid Yalom, Permit to Alter a Building (basement level unit to revert to storage; legalize backroom and accessory office; remove 3rd level roof deck). APPLICATION NO. 2006/07/26/7705. FOR HEARING TODAY.

(7) **APPEAL NO. 06-148**

SHU-FUN CHU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1456 – 9th Avenue. Protesting the issuance on September 8, 2006, to Henry Klein, Permit to Alter a Building (comply with NOV; revision to BPA No. 2006/05/12/1506; change guard rail detail at deck). APPLICATION NO. 2006/09/08/1766. FOR HEARING TODAY.

(8) **APPEAL NO. 06-110**

SPORTS BASEMENT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1590 Bryant Street. Appealing a determination dated July 20, 2006, addressed to Tony Sanchez-Corea, concerning a proposal at the subject property for a 54,000 gross square foot Sports Basement store (retail sales and services facility). FOR REHEARING TODAY. **Note: On September 13, 2006, the Board 5-0 voted to uphold the ZA's determination. On October 11, 2006, the Board voted 5-0 to grant the appellant's rehearing request.**

(9) **APPEAL NO. V06-149**

R.S. & PAMELA HARRISON, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2125 – 19th Street. Appealing the partial grant and partial denial on August 29, 2006, of Rear Yard Variance (allow a 2nd story addition but not allow the new addition within the lot's required rear yard). VARIANCE CASE NO. 2005.1212V. FOR HEARING TODAY.

ITEMS (10A) & (10B) SHALL BE HEARD TOGETHER:

(10A) **APPEAL NO. 06-152**

SHERYL COWAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	774 – 40th Avenue. Protesting the issuance on September 8, 2006, to Eric Huang, Permit to Alter a Building (on single-family house: add rooms at ground floor; remodel existing kitchen and bath; add bath at 2nd floor; replace rear 2nd floor bedroom windows). APPLICATION NO. 2006/09/08/1783. FOR HEARING TODAY.

(10B) **APPEAL NO. 06-158**

SHERYL COWAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	774 – 40th Avenue. Protesting the issuance on September 25, 2006, to Eric Huang, Permit to Alter a Building (on single-family house: revise BPA No. 2006/09/08/1783; underpin rear foundation; replace some concrete, joist and beams; replace front windows; comply with complaint from Planning no. 8325). APPLICATION NO. 2006/09/25/3225. FOR HEARING TODAY.

(11) **APPEAL NO. 06-153**

SCOTT MORROW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	744-746 Clementina Street. Protesting the issuance on August 31, 2006, to Nicole Macy, Permit to Alter a Building (on 6-unit building: replace fire damaged sheetrock in unit 2; comply with NOV no. 200672987; demolish sheetrock in unit 4; replace in kind). APPLICATION NO. 2006/08/31/1203. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **November 2, 2006**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	**PRESIDENT**
RANDALL KNOX	**VICE PRESIDENT**
KATHARINE ALBRIGHT	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
ROBERT HAALAND	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER – TEL: 415.493.5751 – FAX: 415.493.5042 – EMAIL: cwreporting@comcast.net. THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

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TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

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TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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Board of Appeals

November 08, 2006

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, NOVEMBER 8, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

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PRESENT: President Frank Fung, Vice President Randall Knox, Commissioner Katharine Albright, Commissioner Michael Garcia, and Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Tina Tam, Senior Planner, Planning Department (PD); Laurence Kornfield; Chief Building Inspector, Dept. of Building Inspection (DBI); Cecilia Mangoba, Dept. of Public Health (DPH); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Ellen Valentine, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKER: David Pilpel expressed condolences on passing of Official Court Reporter Claudine Woeber.

(2) COMMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

(3) ADDENDUM ITEMS:

(3a) **REHEARING REQUEST:**

Subject property at 1284 Mission Street. Letter from Geoffrey Rotwein, attorney for Arthur Lee dba "Lee's Oriental Massage", appellant, requesting rehearing of Appeal No. 06-103, Lee's Oriental Massage vs. DPH, decided September 20, 2006. At that time, upon motion by Commissioner Albright, the Board voted 4-0-1 (Vice President Knox rescued) to uphold the revocation of the subject permit (Massage Establishment Permit).

ACTION: Upon motion by Commissioner Knox, the Board voted 5-0 to recuse Randall Knox.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Commissioner Knox rescued) to deny the rehearing request.

SPEAKERS: Geoffrey Rotwein, attorney for appellant; Cecilia Mangoba, DPH.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 06-131**

MARIA GARCIA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2695 – 47th Avenue. Protesting the issuance on August 8, 2006, to Nennette Dignadice, Permit to Alter a Building (on single-family house: new deck, 7'6" X 12'4" and 8'10" in height, with a 1 hour fire wall at 7' in height. APPLICATION NO. 2006/08/08/8907. PUBLIC HEARING HELD & CLOSED ON OCTOBER 18, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for DBI to conduct a site visit pursuant to the Board's comments.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to uphold the permit.

SPEAKERS: Laurence Kornfield, DBI; Maria Garcia, appellant.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 06-151**

GORDON YEE & KORI INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	429-433 Haight Street. Appealing a Notice of Violation dated August 31, 2006, addressed to Gordon Yee & Kori Inc., regarding violations at the subject property of the Planning Commission's Dwelling Unit Merger Policy, and of Planning Code §§ 151, 790.108, 136(c)(30), 142, 134 (a)(1), & 135. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 5-0 to continue the matter to January 10, 2007. with the public hearing closed.

SPEAKERS: Tina Tam, PD; David Silverman, attorney for appellant.

PUBLIC COMMENT: Damion Mosier-Tidd said there is very little parking on Haight Street , so these spaces are important and should be allowed to remain.

Leonard Krasowski said the lot has served as tenants' parking for years.

Aimee Porter said without this parking space she would sell her car. Area too dangerous to park on street.

Melissa Waters wants parking to remain.

Hugo Solis uses parking lot which is a necessity for him.

Tina Mosier-Tidd said the lot to remain because the street parking undesirable.

Vallie Brown doesn't care about the parking space because real issue is criminals using garage to flee police and do drug deals. He wants the garage door secured.

Richard Johnson of Hayes Valley Community Partners has worked on safety issue, said parking is not an issue, drug dealers using garage and lot to deal and escape is issue.

Marian Lyons from Waller Street showed photos of trash in yard and said fence needed to keep rats and trash out.

Rochelle McCune wants violations on property abated and codes enforced. No problem with parking use so long as gate is closed.

Lisa Zahner of the neighborhood association said property needs a gate that can be closed.

Bill Maher described recent criminal activities in neighborhood. Not against tenant parking and solid door would be best solution.

Maureen Roche of Hayes Valley Partnership said crime is so bad, she is afraid to walk on street.

Regina Dick-Endrizzi speaking for Supervisor Ross Mirkarimi said he doesn't want to take parking away but to reduce crime. He opposes appeal.

Alexandra Jones said owner has so much property he should close door for safety.

Ted Dillingham agreed with those above.

(6) **APPEAL NO. 06-116**

PATRICK BUSCOVICH, Appellant (s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3527-3529 – 21st Street. Protesting the issuance on July 26, 2006, to Reid Yalom, Permit to Alter a Building (basement level unit to revert to storage; legalize backroom and accessory office; remove 3rd level roof deck). APPLICATION NO. 2006/07/26/7705. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5-0 to revoke the permit at the request and agreement of the parties, and on condition that permit holder submit supplemental information to fully address the matter.

SPEAKERS: Laurence Kornfield, DBI; Pat Buscovich, appellant; Reid Yalom, permit holder; Lisa Amick, tenant.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 06-148**

SHU-FUN CHU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1456 – 9th Avenue. Protesting the issuance on September 8, 2006, to Henry Klein, Permit to Alter a Building (comply with NOV; revision to BPA No. 2006/05/12/1506; change guard rail detail at deck).

	APPLICATION NO. 2006/09/08/1766. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5-0 to continue this matter to December 13, 2006 with the public hearing closed, and for Planning to re-review the matter.

SPEAKERS: Shu-Fun Chu, appellant; Chang-Hui Chen, agent for appellant; Henry Klein, permit holder; Hudson Lanier, agent for permit holder; Laurence Kornfield, DBI; Tina Tam, PD.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 06-110**

SPORTS BASEMENT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1590 Bryant Street. Appealing a determination dated July 20, 2006, addressed to Tony Sanchez-Corea, concerning a proposal at the subject property for a 54,000 gross square foot Sports Basement store (retail sales and services facility). FOR REHEARING TODAY. **Note: On September 13, 2006, the Board 5-0 voted to uphold the ZA's determination. On October 11, 2006, the Board voted 5-0 to grant the appellant's rehearing request.**

ACTION: Upon motion by Commissioner Haaland, the Board voted 5-0 to overrule the Zoning Administrator determination, with findings to be adopted on December 6, 2006.

SPEAKERS: Tina Tam, PD; Laurance Kornfield, DBI; Mary Murphy, attorney for appellant; David Rumberg, subj. prop. owner; Eric Prosnitz, subj. prop. owner.

PUBLIC COMMENT: Chuck Collins said people voted this business best in class.

Bob Belllino of Road Runners Club said this business serves youth.

Dan Michelini described good work of appellant.

Kristina Hentschel said they provide meeting space for community groups.

Marina Coleridge supported appellant for their good works.

Dave Deigen of Road Runners said appellant supports non-profit like his club.

Gina Fromer said they reach out to community and send youth to camp and boating trips.

(9) **APPEAL NO. V06-149**

R.S. & PAMELA HARRISON, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2125 – 19th Street. Appealing the partial grant and partial denial on August 29, 2006, of Rear Yard Variance (allow a 2nd story addition but not allow the new addition within the lot's required rear yard). VARIANCE CASE NO. 2005.1212V. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Commissioner Haaland absent) to uphold the partial grant, and overrule the partial denial (no construction in the last 15 feet of lot depth), with findings to be adopted on December 6, 2006.

SPEAKERS: Tina Tam, PD; Ron Harrison, appellant; David Cincotta, attorney for appellant.

PUBLIC COMMENT: None.

ITEMS (10A) & (10B) SHALL BE HEARD TOGETHER:

(10A) **APPEAL NO. 06-152**

SHERYL COWAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	774 – 40th Avenue. Protesting the issuance on September 8, 2006, to Eric Huang, Permit to Alter a Building (on single-family house: add rooms at ground floor; remodel existing kitchen and bath; add bath at 2nd floor; replace rear 2nd floor bedroom windows). APPLICATION NO. 2006/09/08/1783. FOR HEARING TODAY.

(10B) **APPEAL NO. 06-158**

SHERYL COWAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	774 – 40th Avenue. Protesting the issuance on September 25, 2006, to Eric Huang, Permit to Alter a Building (on single-family house: revise BPA No. 2006/09/08/1783; underpin rear foundation; replace some concrete, joist and beams; replace front windows; comply with complaint from Planning no. 8325). APPLICATION NO. 2006/09/25/3225. FOR HEARING TODAY.

ACTION: Upon appeals motion by Commissioner Garcia, the Board voted 5-0 to uphold the permit with conditions (#1, 2 & 3 on appellant's reply dated 10/18/06).

SPEAKERS: Sheryl Cowan, appellant; Dennis Carr, attorney for permit holder; Laurence Kornfield, DBI.

PUBLIC COMMENT: Colleen Miller spoke in support for appellant.

(11) **APPEAL NO. 06-153**

SCOTT MORROW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	744-746 Clementina Street. Protesting the issuance on August 31, 2006, to Nicole Macy, Permit to Alter a Building (on 6-unit building: replace fire damaged sheetrock in unit 2; comply with NOV no. 200672987; demolish sheetrock in unit 4; replace in kind). APPLICATION NO. 2006/08/31/1203. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5-0 to revoke the permit.

SPEAKERS: None. Appellant and permit holder didn't appear

PUBLIC COMMENT: None.

There being no further business, President Fung adjourned the meeting at 10:00 p.m.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Ellen Valentine, the Official Court Reporter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, NOVEMBER 15, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMMISSIONERS COMMENTS & QUESTIONS:

(3a) SPECIAL ITEM:

Attendance policy for Board members. For public hearing and discussion. Final action to be scheduled for future meeting.

(3b) SPECIAL ITEM:

Proposed amendment o Board Rules. Deletion of Article IV, which requires attendance of official court reporter at all regular hearings. Article 1, Section 11 of the Business and Tax Regulations Code provides for use of SFGTV videos to be official administrative record of the Board's proceedings. Parties may have hearings transcribed from video at their own expense with copies of transcripts to be submitted to the Board. For public hearing and discussion. Final action to be scheduled for future meeting.

(4) ADDENDUM ITEMS:

(4a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 4120 – 23rd Street. Permit issued on September 23, 2005. Last day to appeal was October 11, 2005. Jurisdiction request received on September 29, 2006. Letter from Robert Call, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2002/02/25/9972. Project: horizontal addition to rear of building; construct a new garage at street level. Permit Holder: Darryl Leung.

(4b) REHEARING REQUEST:

Subject property at 734 Bush Street (various apartments), & 625 Bush Street (Various apartments). Letter from Harold Darling, appellant, requesting rehearing of Appeal No(s). 06-130, and 06-136/137/138/139/140/141/142/143, decided on October 25, 2006. At that time, upon motion by Commissioner Garcia, the Board voted 5-0 to uphold the permits and adopt findings and conditions with amendments (findings no. 2, 3, and 4 were amended).

(5) APPEAL NO. 06-073

KAM & SOO WONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	700 – 4th Avenue. Protesting the issuance on April 28, 2006, to Korean Covenant Church, Site Permit to Alter a Building (change occupancy with maximum at 100 persons; add elevator; revise exiting; revise property line fire walls; legalize ground floor kitchen and dining; variance for rear yard exit stair case, variance case no. 2004.0613V). APPLICATION NO. 2005/06/08/4603S. PUBLIC HEARING HELD & CLOSED ON JULY 12, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow parties time to work on settlement regarding mitigation measures.**

(6) APPEAL NO. 06-123

MATTHEW SUM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1767 – 34th Avenue. Protesting the issuance on August 2, 2006, to Miguel Puente, Permit to Alter a Building (on single-family house: install rear deck at 36" above grade; abate NOV No. 200669303). APPLICATION NO. 2006/08/02/8388. PUBLIC HEARING HELD & CLOSED ON OCTOBER 11, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for DBI to retrieve approved plans from micro-film.**

(7) **APPEAL NO. 06-050**

RICHARD & HOLLY LAWSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1902 Green Street. Protesting the issuance on March 21, 2006, to Garry Rayant & Kathy Fields, Site Permit to Alter a Building (on single-family house: add additional floor; extend 2nd floor eight feet further to rear over existing 1st floor; add seismic bracing). APPLICATION NO. 2001/12/04/4492S. FOR HEARING TODAY.

(8) **APPEAL NO. 06-127**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREE-USE & MAPPING, Respondent	101 Junipero Serra Blvd. Appealing the denial on August 4, 2006, of Surface Mounted Facility Permit. HEARING TODAY.

(9) **APPEAL NO. 06-128**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREE-USE & MAPPING, Respondent	1997 Buchanan Street. Appealing the denial on August 4, 2006, of Surface Mounted Facility Permit. FOR HEARING TODAY.

(10) **APPEAL NO. 06-135**

ALEX LANTSBERG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1000 Evans Avenue. Protesting the issuance on August 10, 2006, to Pacific Gas & Electric, Permit to Demolish a Building (demolish a power plant). APPLICATION NO. 2005/12/15/0454. FOR HEARING TODAY.

(11) **APPEAL NO. 06-155**

GEORGIA SCHUTTISH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	455 – 27th Street. Protesting the issuance on September 18, 2006, to David Bartenwerfer, Site Permit to Alter a Building (on single-family house: demolish interior walls at bedrooms; add 8' to rear of house; build bedroom, laundry and storage at lower level; build new family room and kitchen at main level; build 3rd floor with two bedrooms, master suite and deck; build new roof deck and stair enclosure). APPLICATION NO. 2005/10/17/5751S. FOR HEARING TODAY.

(12) **APPEAL NO. 06-156**

ALLEN LEUNG, MICHAEL GARLINGER, TODD CANIGLIA, JOY LOWRY, & RON HERMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	740-742 Natoma Street. Protesting the issuance on September 12, 2006, to Wony Zhang, Site Permit to Alter a Building (on single-family house: new 3rd floor addition above existing 2nd floor for upper unit; convert existing garment shop to residential area and garage use on ground floor; ground floor residential area for lower unit use only; alteration to existing 2nd floor; change façade siding to new stucco). APPLICATION NO. 2005/10/19/5940S. FOR HEARING TODAY.

(13) **APPEAL NO. 06-157**

KRIST JAKE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2740-2742 Filbert Street. Protesting the issuance on September 12, 2006, to Mary Grudnowski, Permit to Alter a Building (revision to BPA No. 2004/04/08/0828 per NOV no. 200669061; respond to concerns in letter from Zoning Administrator dated April 7, 2006; remove roof railing and remove parapet wall at hatch). APPLICATION NO. 2006/05/15/1655. FOR HEARING TODAY.

(14) **APPEAL NO. 06-159**

IAN HADDOW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	538 Laidley Street. Protesting the issuance on September 15, 2006, to Eric Kenneally, Site Permit to Erect a Building (4-story, single-family house with 1,000sf of ground floor area). APPLICATION NO. 2005/01/14/3283S. FOR HEARING TODAY.

(15) **APPEAL NO. 06-160**

TK SAGRILLO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2327 – 20th Avenue. Protesting the issuance on September 18, 2006, to Helen Yung, Site Permit to Alter a Building (on single-family house: remove illegal kitchen and bath; legalize rooms at ground floor). APPLICATION NO. 2006/09/18/2618. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **November 9, 2006**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	**PRESIDENT**
RANDALL KNOX	**VICE PRESIDENT**
KATHARINE ALBRIGHT	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
ROBERT HAALAND	**COMMISSIONER**

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

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MEETING MINUTES - WEDNESDAY, NOVEMBER 15, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Randall Knox, Commissioner Katharine Albright, Commissioner Michael Garcia, and Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Tina Tam, Senior Planner, Planning Department (PD); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Easteller Bruihl, Official Court Reporter.

(1) PUBLIC COMMENT:

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SPEAKER: Jeremy Paul responded to comments made at the previous meeting concerning a project with which he has no connection.

(2) COMMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

(3a) SPECIAL ITEM:

Attendance policy for Board members. For public hearing and discussion. Final action to be scheduled for future meeting.

ACTION: Upon motion by Commissioner Haaland, the Board voted 5-0 to schedule the adoption to December 6, 2006.

SPEAKERS: None.

PUBLIC COMMENT: None.

(3b) **SPECIAL ITEM:**

Proposed amendment o Board Rules. Deletion of Article IV, which requires attendance of official court reporter at all regular hearings. Article 1, Section 11 of the Business and Tax Regulations Code provides for use of SFGTV videos to be official administrative record of the Board's proceedings. Parties may have hearings transcribed from video at their own expense with copies of transcripts to be submitted to the Board. For public hearing and discussion. Final action to be scheduled for future meeting.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to retain the Court Reporter requirement.

SPEAKERS: None.

PUBLIC COMMENT: Jeremy Paul, Jared Eigerman, Harold Darling, and Jack Chin.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 4120 – 23rd Street. Permit issued on September 23, 2005. Last day to appeal was October 11, 2005. Jurisdiction request received on September 29, 2006. Letter from Robert Call, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2002/02/25/9972. Project: horizontal addition to rear of building; construct a new garage at street level. Permit Holder: Darryl Leung.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to reschedule the matter to January 10, 2007, with written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4b) **REHEARING REQUEST:**

Subject property at 734 Bush Street (various apartments), & 625 Bush Street (Various apartments). Letter from Harold Darling, appellant, requesting rehearing of Appeal No(s). 06-130, and 06-136/137/138/139/140/141/142/143, decided on October 25, 2006. At that time, upon motion by Commissioner Garcia, the Board voted 5-0 to uphold the permits and adopt findings and conditions with amendments (findings no. 2, 3, and 4 were amended).

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-1 Commissioner Haaland dissented) to deny the rehearing request.

SPEAKERS: Harold Darling, requestor; Jared Eigerman, attorney for permit holder.

PUBLIC COMMENT: William Tise said all the tenants support the requestor.

Joshua Brandt, a former building manager for the permit holder said the perpetual water shortage in the buildings greatly inconvenience tenants. Leakage has sent debris into units.

Claire Sandberg-Bernard described permit holder's harassment of tenants intended to drive tenants out of buildings so, rent ordinance regulation can be avoided and units sold or rented for much more money to new tenants. She is a volunteer at the tenants union and this is a serious case of harassment and intimidation with the dust and water shut offs.

(5) **APPEAL NO. 06-073**

KAM & SOO WONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	700 – 4th Avenue. Protesting the issuance on April 28, 2006, to Korean Covenant Church, Site Permit to Alter a Building (change occupancy with maximum at 100 persons; add elevator; revise exiting; revise property line fire walls; legalize ground floor kitchen and dining; variance for rear yard exit stair case, variance case no. 2004.0613V). APPLICATION NO. 2005/06/08/4603S. PUBLIC HEARING HELD & CLOSED ON JULY 12, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow parties time to work on settlement regarding mitigation measures.**

ACTION: Withdrawn by the appellant.

SPEANKERS: None.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 06-123**

MATTHEW SUM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1767 – 34th Avenue. Protesting the issuance on August 2, 2006, to Miguel Puente, Permit to Alter a Building (on single-family house: install rear deck at 36" above grade; abate NOV No. 200669303). APPLICATION NO. 2006/08/02/8388. PUBLIC HEARING HELD & CLOSED ON OCTOBER 11, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for DBI to retrieve approved plans from micro-film.**

ACTION: Upon motion by President Fung, the Board voted 5-0 to continue the matter to January 10, 2007, so permit holder can submit revised plans that conform to the Code.

SPEAKERS: Laurence Kornfield, DBI; Tina Tam, PD; Mary Puente, permit holder.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 06-050**

RICHARD & HOLLY LAWSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1902 Green Street. Protesting the issuance on March 21, 2006, to Garry Rayant & Kathy Fields, Site Permit to Alter a Building (on single-family house:. add additional floor; extend 2nd floor eight feet further to rear over existing 1st floor; add seismic bracing). APPLICATION NO. 2001/12/04/4492S. FOR HEARING TODAY.

ACTION: Withdrawn by the appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 06-127**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREE-USE & MAPPING, Respondent	101 Junipero Serra Blvd. Appealing the denial on August 4, 2006, of Surface Mounted Facility Permit. HEARING TODAY.

(9) **APPEAL NO. 06-128**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREE-USE & MAPPING, Respondent	1997 Buchanan Street. Appealing the denial on August 4, 2006, of Surface Mounted Facility Permit. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to reschedule the matters to January 17, 2007, at written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 06-135**

ALEX LANTSBERG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1000 Evans Avenue. Protesting the issuance on August 10, 2006, to Pacific Gas & Electric, Permit to Demolish a Building (demolish a power plant). APPLICATION NO. 2005/12/15/0454. FOR HEARING TODAY.

ACTION: Withdrawn by the appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

(11) **APPEAL NO. 06-155**

GEORGIA SCHUTTISH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	455 – 27th Street. Protesting the issuance on September 18, 2006, to David Bartenwerfer, Site Permit to Alter a Building (on single-family house: demolish interior walls at bedrooms; add 8' to rear of house; build bedroom, laundry and storage at lower level; build new family room and kitchen at main level; build 3rd floor with two bedrooms, master suite and deck; build new roof deck and stair enclosure). APPLICATION NO. 2005/10/17/5751S. FOR HEARING TODAY.

ACTION: Upon motion by Vice-President Knox, the Board voted 5-0 to uphold the permit.

SPEAKERS: Georgia Schuttish, appellant; David Bartenwerfer, permit holder.

PUBLIC COMMENT: Jan Gersonde said that the permit holder had worked with neighbor at several meetings and had revised his plans to meet their concerns, and then they went to a community board followed by a discretionary review application to the Planning Commission. She and her neighbor Mr. Gomez withdrew the DR application after they had worked it all out.

Paul Gomez also for permit holder agreed with above and said he is satisfied with the plans.

(12) **APPEAL NO. 06-156**

ALLEN LEUNG, MICHAEL GARLINGER, TODD CANIGLIA, JOY LOWRY, & RON HERMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	740-742 Natoma Street. Protesting the issuance on September 12, 2006, to Wony Zhang, Site Permit to Alter a Building (on single-family house: new 3rd floor addition above existing 2nd floor for upper unit; convert existing garment shop to residential area and garage use on ground floor; ground floor residential area for lower unit use only; alteration to existing 2nd floor; change façade siding to new stucco). APPLICATION NO. 2005/10/19/5940S. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5-0 to uphold the permit.

SPEAKERS: Ken Brogno, agent for permit holder; appellants did not appear.

PUBLIC COMMENT: None.

(13) **APPEAL NO. 06-157**

KRIST JAKE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2740-2742 Filbert Street. Protesting the issuance on September 12, 2006, to Mary Grudnowski, Permit to Alter a Building (revision to BPA No. 2004/04/08/0828 per NOV no. 200669061; respond to concerns in letter from Zoning Administrator dated April 7, 2006; remove roof railing and remove parapet wall at hatch). APPLICATION NO. 2006/05/15/1655. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Albright, the Board voted 5-0 to uphold the permit with conditions as read into record.

SPEAKERS: Krist Jake, appellant; Brett Gladstone, attorney for permit holder; Laurence Kornfield, DBI; Tina Tam, PD; Mohammad Sadrieh, agent for permit holder.

PUBLIC COMMENT: Geoffrey Wood said that it has taken too much time to process this permit for such simple change although the plans don't have accurate dimensions.

(14) **APPEAL NO. 06-159**

IAN HADDOW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	538 Laidley Street. Protesting the issuance on September 15, 2006, to Eric Kenneally, Site Permit to Erect a Building (4-story, single-family house with 1,000sf of ground floor area). APPLICATION NO. 2005/01/14/3283S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to reschedule the matter to "Call of The Chair" pending resolution of Cat. Ex. Appeal at BOS.

SPEAKERS: None.

PUBLIC COMMENT: None.

(15) **APPEAL NO. 06-160**

TK SAGRILLO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2327 – 20th Avenue. Protesting the issuance on September 18, 2006, to Helen Yung, Site Permit to Alter a Building (on single-family house: remove illegal kitchen and bath; legalize rooms at ground floor). APPLICATION NO. 2006/09/18/2618. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to reschedule the matter to January 17, 2007 to allow time for appellant to search for new apartment.

SPEAKERS: Michael Bracamontes, attorney for appellant; Jerod Hendrickson, attorney for permit holder.

PUBLIC COMMENT: None.

There being no further business, President Fung adjourned the meeting at 8:25 p.m.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Easteller Bruihl, the Official Court Reporter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, DECEMBER 6, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMMISSIONERS COMMENTS & QUESTIONS:

(3) SPECIAL ITEM:

Discussion and possible action to approve a Board Attendance Policy to comply with Board of Supervisors Resolution 502-06 (urging Commissions to adopt an internal attendance policy) and the Mayor's directive dated September 18, 2006 (urging Commissions to adopt specific baseline standards for attendance).

(4) ADDENDUM ITEMS:

(4a) ADOPTION OF FINDINGS:

Subject property at 504 – 6th Street. Appeal No. 06-039, Hicks vs. DBI, PDD, decided August 16, 2006 at a rehearing. At that time, upon motion by Commissioner Garcia, the Board voted 5-0 to overrule the denial, and grant the permit, with findings to be adopted at a later date. Project: construction of sign (ground, non-electric, single-faced, 14' X 48', with 672sf of total surface area), BPA No. 2005/10/11/5200.

(4b) REHEARING REQUEST:

Subject property at 2395 – 12th Avenue. Letter from Toha Quan, appellant, requesting rehearing of Appeal No. 06-077, Quan vs. ZA, decided October 18, 2006. Upon motion by President Fung, the Board voted 4-0-1 (Commissioner Haaland absent) to uphold the subject notice of violation by the Zoning Administrator. NOV: that a manufacturing and processing operation has been established at the subject property, in violation of Planning Code §§ 151, 204.1, 226, and 711.38.

(4c) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1535 Leavenworth Street #17. Permits issued on October 12, 2006. Last day to appeal was October 27, 2006. Jurisdiction requests received on November 8, 2006. Letter from Michael Lee, co-requestor, asking that the Board take jurisdiction over Building Permit Application No. 2006/10/12/4857, Electrical Permit No. E200610122161, and Plumbing Permit No. P584880. Project: kitchen and bathroom remodel. Permit Holder: ADAK Investors.

(4d) ADOPTION OF FINDINGS:

Subject property at 1590 Bryant Street. Appeal No. 06-110, Sports Basement vs. ZA, decided November 8, 2006 at a rehearing. At that time, upon motion by Commissioner Haaland, the Board voted 5-0 to overrule the ZA's determination with findings to be adopted on December 6, 2006. Determination: concerning a proposal at the subject property for a 54,000 gross square foot Sports Basement store (retail sales and services facility).

(4e) ADOPTION OF FINDINGS:

Subject property at 2125 – 19th Street. Appeal No. V06-149, Harrison vs. ZA, decided November 8, 2006. At that time, upon motion by Commissioner Garcia, the Board voted 4-0-1 (Commissioner Haaland absent) to uphold the partial grant of the variance, and to overrule the partial denial of the variance, with findings to be adopted on December 6, 2006. Variance: allow a 2nd story addition but not allow the new addition within the lot's required rear yard; variance case no. 2005.1212V.

(5) APPEAL NO. 06-162

MICHAEL & LEORA VESTEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1405 York Street. Protesting the issuance on September 26, 2006, to Jie Xing Lin, Permit to Alter a Building (on single-family house: enclose outside deck and rear stair into habitable area; comply with NOV No. 200452181; reference BPA No. 2004/08/09/1027). APPLICATION NO. 2005/01/25/3937. FOR HEARING TODAY.

(6) APPEAL NO. 06-166

SAN FRANCISCO UNIFIED SCHOOL DISTRICT, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	3630 Divisadero Street. Appealing the conditions placed on a Permit to Remove and Replace Thirteen (13) Trees. ORDER NO. 176,392. FOR HEARING TODAY.

ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 06-154**

MARK O'FLYNN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1678 Great Highway. Protesting the reinstatement on September 7, 2006, of Building Permit Application No. 2004/11/05/8645 (renew BPA No. 2004/04/06/0513 – abate complaint no. 200447914; replace back roof that is dry rotted and leaking; replace ceiling). Reason for reinstatement: done at the request of the Planning Department. Permit Holder: Ian Wallace. FOR HEARING TODAY.

(7B) **APPEAL NO. 06-172**

MARK O'FLYNN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1678 Great Highway. Protesting the issuance on October 11, 2006, to Ian Wallace, Site Permit to Alter a Building (on single-family house: legalize work done under BPA No. 2004/04/06/0513 by performing retroactive § 311 notification, and retroactive approval of wood to vinyl window replacements). APPLICATION NO. 2006/02/01/3549S. FOR HEARING TODAY.

(8) **APPEAL NO. V06-163**

MARIE LEWANDOWSKI, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2325 Ocean Avenue. Appealing the denial on October 6, 2006, of Rear Yard Variance (legalize construction of a lower level in-fill addition, deck, and awning, located within the required rear yard). VARIANCE CASE NO. 2006.0395V. FOR HEARING TODAY.

(9) **APPEAL NO. 06-164**

BING CHEUK LAW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	227-229 – 7th Avenue. Protesting the issuance on October 2, 2006, to Mikhail Kurgatnikov, Permit to Alter a Building (on 2-unit building: no work to be done on 1st floor; remodel kitchens and bathrooms, and add new bathrooms on 2nd and 3rd floors; all work within envelope of existing building). APPLICATION NO. 2006/02/02/3683. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **November 30, 2006**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	PRESIDENT
RANDALL KNOX	VICE PRESIDENT
KATHARINE ALBRIGHT	COMMISSIONER
MICHAEL GARCIA	COMMISSIONER
ROBERT HAALAND	COMMISSIONER

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber.
TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, DECEMBER 6, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Randall Knox, Commissioner Michael Garcia, Commissioner Katharine Albright and Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Tina Tam, Senior Planner, Planning Department (PD); Ron Tom, Chief Building Inspector, Dept. of Building Inspection (DBI); Carla Short, Department of Public Works Bureau of Urban Forestry, (DPW, BUF); Robert Feldman, Executive Secretary; Victor Pacheco, Legal Assistant, for the Board; and Bernice Covington, Official Court Reporter.

(1) PUBLIC COMMENT:

SPEAKER: Tony Fu.

PUBLIC COMMENT: Tony Fu read a letter to the Board regarding the Executive Secretary, Robert Feldman.

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

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(3) SPECIAL ITEM:

Discussion and possible action to approve a Board Attendance Policy to comply with Board of Supervisors Resolution 502-06 (urging Commissions to adopt an internal attendance policy) and the Mayor's directive dated September 18, 2006 (urging Commissions to adopt specific baseline standards for attendance).

ACTION: Upon motion by Commissioner Haaland, the Board voted 4-1 (Vice President Knox dissented) to adopt the Mayor's attendance template.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) ADDENDUM ITEMS:

(4a) ADOPTION OF FINDINGS:

Subject property at 504 – 6th Street. Appeal No. 06-039, Hicks vs. DBI, PDD, decided August 16, 2006 at a rehearing. At that time, upon motion by Commissioner Garcia, the Board voted 5-0 to overrule the denial, and grant the permit, with findings to be adopted at a later date. Project: construction of sign (ground, non-electric, single-faced, 14' X 48', with 672sf of total surface area), BPA No. 2005/10/11/5200.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to adopt the findings. (the findings in the file and in the computer).

SPEAKERS: Alice Barkley, attorney for appellant; Lawrence Badiner, ZA.

PUBLIC COMMENT: None.

(4b) REHEARING REQUEST:

Subject property at 2395 – 12th Avenue. Letter from Toha Quan, appellant, requesting rehearing of Appeal No. 06-077, Quan vs. ZA, decided October 18, 2006. Upon motion by President Fung, the Board voted 4-0-1 (Commissioner Haaland absent) to uphold the subject notice of violation by the Zoning Administrator. NOV: that a manufacturing and processing operation has been established at the subject property, in violation of Planning Code §§ 151, 204.1, 226, and 711.38.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to deny the request of rehearing.

SPEAKERS: Toha Quan, appellant; Larry Badiner, ZA.

PUBLIC COMMENT: None.

(4c) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1535 Leavenworth Street #17. Permits issued on October 12, 2006. Last day to appeal was October 27, 2006. Jurisdiction requests received on November 8, 2006. Letter from Michael Lee, co-requestor, asking that the Board take jurisdiction over Building Permit Application No. 2006/10/12/4857, Electrical Permit No. E200610122161, and Plumbing Permit No. P584880. Project: kitchen and bathroom remodel. Permit Holder: ADAK Investors.

ACTION: Withdrawn by the appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4d) **ADOPTION OF FINDINGS:**

Subject property at 1590 Bryant Street. Appeal No. 06-110, Sports Basement vs. ZA, decided November 8, 2006 at a rehearing. At that time, upon motion by Commissioner Haaland, the Board voted 5-0 to overrule the ZA's determination with findings to be adopted on December 6, 2006. Determination: concerning a proposal at the subject property for a 54,000 gross square foot Sports Basement store (retail sales and services facility).

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to adopt the findings as amended. Victor Pacheco, legal assistant made changes to a file copy.

SPEAKERS: Mary Murphy, attorney for appellant; Larry Badiner, ZA.

PUBLIC COMMENT: None.

(4e) **ADOPTION OF FINDINGS:**

Subject property at 2125 – 19th Street. Appeal No. V06-149, Harrison vs. ZA, decided November 8, 2006. At that time, upon motion by Commissioner Garcia, the Board voted 4-0-1 (Commissioner Haaland absent) to uphold the partial grant of the variance, and to overrule the partial denial of the variance, with findings to be adopted on December 6, 2006. Variance: allow a 2nd story addition but not allow the new addition within the lot's required rear yard; variance case no. 2005.1212V.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to adopt the findings as amended. Cincotta will email to Victor Pacheco, legal assistant a copy of the final version with the approved amendments.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 06-162**

MICHAEL & LEORA VESTEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1405 York Street. Protesting the issuance on September 26, 2006, to Jie Xing Lin, Permit to Alter a Building (on single-family house: enclose outside deck and rear stair into habitable area; comply with NOV No. 200452181; reference BPA No. 2004/08/09/1027). APPLICATION NO. 2005/01/25/3937. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to uphold the permit.

SPEAKERS: Michael Vestel, co-appellant; Wendy Lin, agent for permit holder; Larry Badiner, ZA

PUBLIC COMMENT: None:

(6) **APPEAL NO. 06-166**

SAN FRANCISCO UNIFIED SCHOOL DISTRICT, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	3630 Divisadero Street. Appealing the conditions placed on a Permit to Remove and Replace Thirteen (13) Trees. ORDER NO. 176,392. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted to recluse President Fung.

ACTION: Upon final motion by Vice President Know, the Board voted 4 – 0 to uphold the permit with the 36" box condition to be struck and the replacement size to be determined later.

SPEAKERS: John Lazcano, SFUSD; Carla Short, DPW, BUF.

PUBLIC COMMENT: Bruce Stone spoke in support of DPW, BUF and offered to assist DPW in replacing trees on Divisadero to have maximum sized of the replacement trees.

ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 06-154**

MARK O'FLYNN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1678 Great Highway. Protesting the reinstatement on September 7, 2006, of Building Permit Application No. 2004/11/05/8645 (renew BPA No. 2004/04/06/0513 – abate complaint no. 200447914; replace back roof that is dry rotted and leaking; replace ceiling). Reason for reinstatement: done at the request of the Planning Department. Permit Holder: Ian Wallace. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4 -1 (Commissioner Haaland dissented) to uphold the permit) to uphold the reinstatement of appeal 06-154 and to uphold the permit for appeal 06-172.

SPEAKERS: Mark O'Flynn, appellant; Lan Wallace, permit holder; Larry Baldiner, ZA; Ron Tom, DBI.
PUBLIC COMMENT: None.

(7B) **APPEAL NO. 06-172**

MARK O'FLYNN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1678 Great Highway. Protesting the issuance on October 11, 2006, to Ian Wallace, Site Permit to Alter a Building (on single-family house: legalize work done under BPA No. 2004/04/06/0513 by performing retroactive § 311 notification, and retroactive approval of wood to vinyl window replacements). APPLICATION NO. 2006/02/01/3549S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4 -1 (Commissioner Haaland dissented) to uphold the permit) to uphold the reinstatement of appeal 06-154 and to uphold the permit for appeal 06-172.

SPEAKERS: Mark O'Flynn, appellant; Lan Wallace, permit holder; Larry Baldiner, ZA; Ron Tom, DBI.

PUBLIC COMMENT: None.

(8) **APPEAL NO. V06-163**

MARIE LEWANDOWSKI, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2325 Ocean Avenue. Appealing the denial on October 6, 2006, of Rear Yard Variance (legalize construction of a lower level in-fill addition, deck, and awning, located within the required rear yard). VARIANCE CASE NO. 2006.0395V. FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to continue the matter to 1/10/07, with the public hearing closed and with DBI to conduct a site visit.

SPEAKERS: Martin Zunada, attorney for appellant; Larry Badiner, ZA.

PUBLIC COMMENT: Carolyn Harpster spoke in favor of the appellant.

(9) **APPEAL NO. 06-164**

BING CHEUK LAW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	227-229 – 7th Avenue. Protesting the issuance on October 2, 2006, to Mikhail Kurgatnikov, Permit to Alter a Building (on 2-unit building: no work to be done on 1st floor; remodel kitchens and bathrooms, and add new bathrooms on 2nd and 3rd floors; all work within envelope of existing building). APPLICATION NO. 2006/02/02/3683. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to uphold the permit on conditions that: a) the plumbing fixtures be restored within two weeks of the start work date; b) that all other works be completed within 60 days of the start work date; c) that the 48 hours notice of a utility shut-off be given to appellant; d) that the permit holder seek alternative arrangements for loss of use of parking space to appellant; e) that the capital improvements pass through be limited to the amount for both remodels in the DBI schedule

There being no further business, President Fung adjourned the meeting at 8:45 p.m.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from, the Official Court Reporter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, DECEMBER 13, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADDENDUM ITEMS:**

(3a) **REHEARING REQUEST:**

Subject property at 455 – 27th Street. Letter from Georgia Schuttish, appellant, requesting rehearing of Appeal No. 06-155, Schuttish vs. DBI, PDA, decided November 15, 2006. Upon motion by Vice President Knox, the Board voted 5-0 to uphold the subject permit. Project: on single-family house; demolish interior walls at bedrooms; add 8' to rear of house; build bedroom, laundry and storage at lower level; build new family room and kitchen at main level; build 3rd floor with two bedrooms, master suite and deck; build new roof deck and stair enclosure; BPA No. 2005/10/17/5751S. Permit Holder: David Bartenwerfer.

(4) **APPEAL NO. 06-148**

SHU-FUN CHU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1456 – 9th Avenue. Protesting the issuance on September 8, 2006, to Henry Klein, Permit to Alter a Building (comply with NOV; revision to BPA No. 2006/05/12/1506; change guard rail detail at deck). APPLICATION NO. 2006/09/08/1766. PUBLIC HEARING HELD & CLOSED ON NOVEMBER 8, 2006. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow the Planning Department time to re-review the matter.**

(5) **APPEAL NO. 06-169**

MUSA SALEH dba "BOB'S LIQUOR & GROCERY", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	2999 Harrison Street. Appealing a 15-day suspension of a Tobacco Product Sales Establishment Permit, imposed on October 12, 2006. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-06-242. FOR HEARING TODAY.

(6) **APPEAL NO. 06-171**

SHERMAN CHIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	625 Bacon Street. Appealing the imposition of penalty on October 20, 2006, for work done without a permit (remove bathroom on existing ground floor). PLUMBING PERMIT NO. P485187. FOR HEARING TODAY.

ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 04-071**

NANCY LA FORGIA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APROVAL	77 Seneca Avenue. Protesting the issuance on June 22, 2004, to Shi Guo Chen, Permit to Alter a Building (on single-family house: new deck, 25' X 12'; address NOV No. 200450711). APPLICATION NO. 2004/06/22/7013. FOR HEARING TODAY. **Note: On Sept. 8, 2004, the Board voted 4-0-1 (AC absent) to reschedule the matter to the indefinite calendar to allow time for DBI and Planning to issue an NOV for the illegal 2nd story addition, which would lead to the filing of a new building permit to legalize what was built, a 311 notice and possible DR hearing, with DR result to be appealed to BOA, and then for both appeals to be heard together.**

(7B) **APPEAL NO. 06-167**

TIN CHOR GEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	77 Seneca Avenue. Protesting the issuance on October 5, 2006, to Shi Guo Chen, Permit to Alter a Building (on single-family house: horizontal extension at rear). APPLICATION NO. 2004/10/13/6678. FOR HEARING TODAY.

(8) **APPEAL NO. 06-159**

IAN HADDOW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	538 Laidley Street. Protesting the issuance on September 15, 2006, to Eric Kenneally, Site Permit to Erect a Building (4-story, single-family house with 1,000sf of ground floor area). APPLICATION NO. 2005/01/14/3283S. FOR HEARING TODAY. **Note: On Nov. 15, 2006, the Board voted 5-0 to reschedule the matter to the Call of Chair pending resolution of the Cat Ex appeal at the BOS.**

(9) **APPEAL NO. 06-168**

3184 MISSION STREET LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3184 Mission Street. Appealing a Notice of Violation dated October 12, 2006, addressed to KC Goik & David Zylinski, that the mixed-use project (20 dwelling units, 20 off-street parking spaces, and 4,800sf of commercial space) at the subject property is not in compliance with the Inclusionary Housing Requirements, in violation of Planning Code § 174. FOR HEARING TODAY.

(10) **APPEAL NO. 06-174**

BROCK PRYOR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1247 Palou Avenue. Protesting the issuance on October 25, 2006, to Francisco Palma, Permit to Alter a Building (on single-family house: abate NOV nos. 200118940, 200666261, and 200671366; remove illegal kitchen; legalize rooms). APPLICATION NO. 2006/10/25/5962. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **December 7, 2006**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG	PRESIDENT
RANDALL KNOX	VICE PRESIDENT
KATHARINE ALBRIGHT	COMMISSIONER
MICHAEL GARCIA	COMMISSIONER
ROBERT HAALAND	COMMISSIONER

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber.
TEL: 415.493.5751 – FAX: 415.883.4272 – EMAIL: cwreporting@comcast.net.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, DECEMBER 13, 2006

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Randall Knox, Commissioner Michael Garcia, Commissioner Katharine Albright and Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department (PD); Johnson Ojo, Principal Inspector, Department of Public Health (DPH); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Easteller Bruihl, Official Court Reporter.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKER: Tony Fu accused staff and Department of Building Inspection (DBI) of criminal conspiracy.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None

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(3) **ADDENDUM ITEMS:**

(3a) **REHEARING REQUEST:**

Subject property at 455 – 27th Street. Letter from Georgia Schuttish, appellant, requesting rehearing of Appeal No. 06-155, Schuttish vs. DBI, PDA, decided November 15, 2006. Upon motion by Vice President Knox, the Board voted 5-0 to uphold the subject permit. Project: on single-family house; demolish interior walls at bedrooms; add 8' to rear of house; build bedroom, laundry and storage at lower level; build new family room and kitchen at main level; build 3rd floor with two bedrooms, master suite and deck; build new roof deck and stair enclosure; BPA No. 2005/10/17/5751S. Permit Holder: David Bartenwerfer.

ACTION: Upon motion by Commissioner Albright, the Board voted 5 – 0 to deny the request for rehearing.

SPEAKERS: Georgia Schuttish, appellant; David Bartenwerfer, permit holder.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 06-148**

SHU-FUN CHU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1456 – 9th Avenue. Protesting the issuance on September 8, 2006, to Henry Klein, Permit to Alter a Building (comply with NOV; revision to BPA No. 2006/05/12/1506; change guard rail detail at deck). APPLICATION NO. 2006/09/08/1766. PUBLIC HEARING HELD & CLOSED ON NOVEMBER 8, 2006. FOR FURTHER CONSIDERATION TODAY.. **Note: Matter continued to allow the Planning Department time to re-review the matter.**

ACTION: Upon motion by Vice President Knox, the Board voted 5 – 0 to uphold the permit on conditions that the railing be open with original spindles, and be painted a light color.

SPEAKERS: Tina Tam, Senior Planner, Planning Department (PD); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection, (DBI); Shu-Fun, appellant; Hudson Lanier, agent for permit holder.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 06-169**

MUSA SALEH dba “BOB’S LIQUOR & GROCERY”, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	2999 Harrison Street. Appealing a 15-day suspension of a Tobacco Product Sales Establishment Permit, imposed on October 12, 2006. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR’S CASE NO. FD-06-242. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to reschedule the matter to January 10, 2007.

SPEAKERS: Musa Saleh, appellant; Johnson Ojo, Department of Public Health, (DPH).

PUBLIC COMMENT: None.

(6) **APPEAL NO. 06-171**

SHERMAN CHIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	625 Bacon Street. Appealing the imposition of penalty on October 20, 2006, for work done without a permit (remove bathroom on existing ground floor). PLUMBING PERMIT NO. P485187. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to reduce the penalty to two times the regular fee.

SPEAKER: Department of Building Inspection (DBI).

PUBLIC COMMENT: None.

ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 04-071**

NANCY LA FORGIA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APROVAL	77 Seneca Avenue. Protesting the issuance on June 22, 2004, to Shi Guo Chen, Permit to Alter a Building (on single-family house: new deck, 25' X 12'; address NOV No. 200450711). APPLICATION NO. 2004/06/22/7013. FOR HEARING TODAY. **Note: On Sept. 8, 2004, the Board voted 4-0-1 (AC absent) to reschedule the matter to the indefinite calendar to allow time for DBI and Planning to issue an NOV for the illegal 2nd story addition, which would lead to the filing of a new building permit to legalize what was built, a 311 notice and possible DR hearing, with DR result to be appealed to BOA, and then for both appeals to be heard together.**

ACTION: Upon motion by Vice President Knox, the Board voted 5 – 0 to revoke the permit with a finding that this permit is superseded by Building Permit Application # 2004/10/13/6678 (appeal 06-167).
SPEAKERS: Tina Tam, Senior Planner, Department of Planning (PD);John Hurabiell, attorney for appellant; Tin Chor Gee, appellant, via translator Daniel Lau; Cindy Gee, attorney for permit holder; Mimmie Lau, Agent for La Forgia, appellant.

PUBLIC COMMENT: Jocelyn del Castillo, for appellant; Matt Gee, son of Appellant;

(7B) **APPEAL NO. 06-167**

TIN CHOR GEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	77 Seneca Avenue. Protesting the issuance on October 5, 2006, to Shi Guo Chen, Permit to Alter a Building (on single-family house: horizontal extension at rear). APPLICATION NO. 2004/10/13/6678. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Knox, the Board voted 5 – 0 to uphold the permit.

SPEAKERS: Tina Tam, Senior Planner, Department of Planning (PD);John Hurabiell, attorney for appellant; Tin Chor Gee, appellant, via translator Daniel Lau; Cindy Lee, attorney for permit holder; Mimmie Lau, Agent for La Forgia.

PUBLIC COMMENT: Jocelyn del Castillo spoke in favor of appellant and described the effect of the project on her window; Matt Gee, son of Appellant;

(8) **APPEAL NO. 06-159**

IAN HADDOW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	538 Laidley Street. Protesting the issuance on September 15, 2006, to Eric Kenneally, Site Permit to Erect a Building (4-story, single-family house with 1,000sf of ground floor area). APPLICATION NO. 2005/01/14/3283S. FOR HEARING TODAY. **Note: On Nov. 15, 2006, the Board voted 5-0 to reschedule the matter to the Call of Chair pending resolution of the Cat Ex appeal at the BOS.**

ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to uphold the permit.

SPEAKERS: Ian Haddow, appellant; Lu Blazej, agent for permit holder; Eric Kenneally, permit holder; Drake Gardner, agent for permit holder; Tina Tam, Senior Planner, Department of Planning(PD)

PUBLIC COMMENT: Ursula Arvand spoke in favor of appellant and she said that a near by renter said that permit holder's employee damaged her car; Marty Kirkwood said size and scope of the project hasn't changed for two years and project is too close to his property. He also believes the owner will not reside here and the permit holder's map is inaccurate. Denise La Pointe spoke in favor of the permit holder and said project is only a one family house that was approved by Planning Commission at the Discretionary Review hearing (DR) and the Board of Supervisors denied the appeal of categorical exemption by 11 – 0 vote.

(9) **APPEAL NO. 06-168**

3184 MISSION STREET LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3184 Mission Street. Appealing a Notice of Violation dated October 12, 2006, addressed to KC Goik & David Zylinski, that the mixed-use project (20 dwelling units, 20 off-street parking spaces, and 4,800sf of commercial space) at the subject property is not in compliance with the Inclusionary Housing Requirements, in violation of Planning Code § 174. FOR HEARING TODAY.

ACTION: Withdrawn by the Appellant.

SPEAKER: None.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 06-174**

BROCK PRYOR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1247 Palou Avenue. Protesting the issuance on October 25, 2006, to Francisco Palma, Permit to Alter a Building (on single-family house: abate NOV nos. 200118940, 200666261, and 200671366; remove illegal kitchen; legalize rooms). APPLICATION NO. 2006/10/25/5962. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to uphold the permit on condition that the wet bar be removed.

SPEAKERS: Brock Pryor, appellant; Dawn Loossen, wife of appellant; Bob Noelke, agent for permit holder; Tina Tam for Planning, Planning Department (PD).

PUBLIC COMMENT: None.

There being no further business, President Fung adjourned the meeting at 8:25 p.m.

Robert H. Feldman, Executive Secretary

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